INDIA 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

India is a multiparty, federal, parliamentary democracy with a bicameral legislature. The president, elected by an electoral college composed of the state assemblies and parliament, is the head of state, and the prime minister is the head of government. Under the constitution, the country's 28 states and eight union territories have a high degree of autonomy and have primary responsibility for law and order. Electors chose President Ram Nath Kovind in 2017 to serve a five-year term, and Narendra Modi became prime minister for the second time following the victory of the National Democratic Alliance coalition led by the Bharatiya Janata Party in the 2019 general election. Observers considered the parliamentary elections, which included more than 600 million voters, to be free and fair, although there were reports of isolated instances of violence.

The states and union territories have primary responsibility for maintaining law and order, with policy oversight from the central government. Police are under state jurisdiction. The Ministry of Home Affairs controls most paramilitary forces, the internal intelligence bureaus and national law enforcement agencies, and provides training for senior officials from state police forces. Civilian authorities maintained effective control over the security forces. Members of the security forces committed some abuses.

Significant human rights issues included: unlawful and arbitrary killings, including extrajudicial killings perpetrated by police; torture and cases of cruel, inhuman, or degrading treatment or punishment by some police and prison officials; arbitrary arrest and detention by government authorities; harsh and life-threatening prison conditions; political prisoners or detainees in certain states; restrictions on freedom of expression and the press, including violence, threats of violence, or unjustified arrests or prosecutions against journalists, use of criminal libel laws to prosecute social media speech, censorship, and site blocking; overly restrictive rules on nongovernmental organizations; restrictions on political participation; widespread corruption at all levels in the government; lack of investigation of and accountability for violence against women; tolerance of

violations of religious freedom; crimes involving violence and discrimination targeting members of minority groups including women based on religious affiliation or social status ; and forced and compulsory child labor, as well as bonded labor.

Despite government efforts to address abuses, a lack of accountability for official misconduct persisted at all levels of government, contributing to widespread impunity. Investigations and prosecutions of individual cases took place, but lax enforcement, a shortage of trained police officers, and an overburdened and underresourced court system contributed to a low number of convictions.

Separatist insurgents and terrorists in the Union Territory of Jammu and Kashmir, the Northeast, and Maoist-affected areas committed serious abuses, including killings and torture of armed forces personnel, police, government officials, and civilians, and recruitment and use of child soldiers.

The government continued taking steps to restore normalcy in Jammu and Kashmir by gradually lifting some security and communications restrictions. The government released most political activists from detention. In January the government partially restored internet access; however, high-speed 4G mobile internet remained restricted in most parts of Jammu and Kashmir. The government began a process to redraw electoral constituencies but did not announce a timeline for local assembly elections. Local district development council elections took place in December in which a coalition of Kashmiri opposition parties won the majority of seats.

Section 1. Respect for the Integrity of the Person, Including Freedom from

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were reports that the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings of suspected criminals and

insurgents.

Military courts are primarily responsible for investigating killings by security forces and paramilitary forces.

Reports of custodial death cases, in which prisoners or detainees were killed or died in police and judicial custody, continued. In June the National Campaign against Torture reported the deaths of 125 persons in police custody in 2019. The report stated 74 percent of the deaths were due to alleged torture or foul play, while 19 percent occurred under suspicious circumstances. Of the 125 deaths in police custody, Uttar Pradesh reported the highest number at 14, followed by Tamil Nadu and Punjab with 11 deaths each. The 125 deaths in police custody documented by the National Campaign against Torture in 2019 included 13 victims from Dalit and tribal communities and 15 Muslims.

On June 23, Ponraj Jeyaraj and his son, Beniks Jeyaraj, died while in police custody in Tamil Nadu. The two men were arrested for violating COVID-19 regulations by keeping their shop open after lockdown hours. Police beat them while in custody, and they subsequently died from their injuries while in a medical facility for prisoners. State law enforcement officials arrested 10 officers involved in the detention. The Tamil Nadu state government announced it would provide two million rupees ($27,000) in financial compensation to the victims' family. The case remained under investigation by the Central Bureau of Investigation (CBI) and the state government's human rights commission. Nongovernmental organizations (NGOs such as Amnesty International India (AII) and Human Rights Watch (HRW) condemned the high numbers of custodial deaths in Tamil Nadu, the second highest number in the country according to data from the National Crime Records Bureau (NCRB), and have called for accountability and investigation into these cases.

In August the NCRB released the *Prison Statistics of India* (*PSI*) *2019* report, which documented 1,775 inmate deaths under judicial custody in 2019.

During the COVID-19 national lockdown from March 25 to April 30, Commonwealth Human Rights Initiative (CHRI) compiled a list of 15 fatalities

that included deaths from excessive police action such as canings and beatings.

Killings by government and nongovernment forces, including insurgents and terrorists, were reported in Jammu and Kashmir, northeastern states, and Maoist-affected areas of the country (see section 1.g.). The South Asia Terrorism Portal (SATP) reported the deaths of 63 civilians, 89 security force members, and 284 insurgents countrywide as a result of terrorism or insurgency attacks. The Jammu and Kashmir Coalition of Civil Society (JKCCS) reported 229 killings in 107 incidents in the first six months of the year. JKCCS also reported 32 extrajudicial killings in the first half of the year in Jammu and Kashmir.

Formal charges have yet to be filed in the 2018 killing of *Rising Kashmir* editor in chief Shujaat Bukhari and his two police bodyguards. A police investigation alleged that terrorists belonging to Lashkar-e-Tayyiba targeted Bukhari in retaliation for his support of a government-backed peace effort. While a police special investigation team arrested three persons in 2019 "for their alleged role in arranging the logistics," the perpetrators were still at large, and the case remained open.

In 2019 the CBI filed charges against 10 Manipur police personnel for their alleged involvement in the death of a criminal suspect in 2009. In June the CBI filed charges in 14 additional cases but closed the investigation in seven cases. Families of the victims challenged the dismissal in five of the closed cases.

On July 29, the National Human Rights Commission (NHRC) directed the Telangana government to pay 500,000 rupees ($6,800) as compensation to the families of five Muslims killed by police forces in 2015 after facing accusations of various terrorism charges. The order followed the failure of the state government to comply with a 2018 directive to provide compensation to families of the victims.

Under the Armed Forces Special Powers Act (AFSPA), the central government may designate a state or union territory as a "disturbed area," authorizing security forces in the state to use deadly force to "maintain law and order" and to arrest any person "against whom reasonable suspicion exists" without informing the detainee of the grounds for arrest. The law also provides security forces immunity from civilian prosecution for acts committed in regions under the AFSPA. In 2016 the

Supreme Court stated that every death caused by the armed forces in a disturbed area, whether of a civilian or a terrorist suspect, should be investigated.

The AFSPA remained in effect in Nagaland, parts of Arunachal Pradesh, Manipur, and Assam, and a version of the law was in effect in Jammu and Kashmir. The AFSPA was renewed through January 2021 in Nagaland, which had been under the AFSPA for nearly six decades. Human rights organizations asserted the law is in violation of Article 21 of the constitution and continued to call for its repeal, citing numerous alleged human rights violations.

Nongovernmental forces, including organized insurgents and terrorists, committed numerous killings. Maoists in Jharkhand and Bihar continued to attack security forces and infrastructure facilities, including roads, railways, and communication towers. The SATP reported terrorist attacks resulted in the death of 99 civilians, 106 security force members, and 383 terrorists or insurgents during the year; this was the lowest numbers of civilians killed since the SATP began reporting this data in 2000. As of July terrorists killed six political party leaders in Jammu and Kashmir.

b. Disappearance

There were allegations police failed to file required arrest reports for detained persons, resulting in hundreds of unresolved disappearances. Police and government officials denied these claims. The central government reported state government screening committees informed families about the status of detainees. There were reports, however, that prison guards sometimes required bribes from families to confirm the detention of their relatives.

Disappearances attributed to government forces, paramilitary forces, and insurgents occurred in areas of conflict during the year (see section 1.g.).

In February the UN Working Group on Enforced or Involuntary Disappearances identified seven cases under its standard procedures concerning individuals who were arrested, detained, or otherwise deprived of rights. The Working Group had not received permission to visit the country since it first submitted a request to the

government in 2010.

There were allegations of enforced disappearance by the Jammu and Kashmir police. Although authorities denied these charges and claimed no enforced disappearances had occurred since 2015, the International Federation for Human Rights reported that cases of enforced disappearances continued through 2019. The Jammu and Kashmir State Human Rights Commission ordered an investigation of enforced disappearances in 2018.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture, but there were reports that police forces allegedly employed such practices.

Police beatings of prisoners resulted in custodial deaths (see section 1.a.).

In August 2019 CHRI's *Inside Haryana Prisons* publication reported more than 47 percent of inmates were victims of torture and inhuman treatment during police remand.

On August 28, AII alleged that members of the Delhi police committed human rights violations during February riots in Delhi. The report documented complicity with violence, torture of arrested protesters while in custody, and excessive use of force. The report alleged Delhi police were negligent in their duty to protect citizens and did not respond to repeated requests for assistance.

On July 7, the state government of Gujarat suspended six police officials in Vadodara charged with torturing and killing 62-year-old Babu Shaikh while in police custody and destroying evidence of the crime. Shaikh was reported missing after being taken into police custody in December 2019.

The law does not permit authorities to admit coerced confessions into evidence, but NGOs and citizens alleged authorities used torture to coerce confessions. Authorities allegedly also used torture as a means to extort money or as summary punishment.

There were reports of abuse in prisons at the hands of guards and inmates, as well

as reports that police raped female and male detainees.

In July the state Crime Branch in Odisha dismissed and subsequently arrested the inspector in charge of the Biramitrapur police station for the gang rape of a minor girl inside the police station. Five other persons were under investigation in connection with the crime.

The government authorized the NHRC to investigate rape cases involving police officers. By law the NHRC may also request information about cases involving the army and paramilitary forces, but it has no mandate to investigate those cases. NGOs claimed NHRC statistics undercounted the number of rapes committed in police custody. Some rape victims were unwilling to report crimes due to social stigma and fear of retribution if the perpetrator was a police officer or official. There were reports police officials refused to register rape cases.

Victims of crime were sometimes subjected to intimidation, threats, and attacks, including by government officials.

In March a Delhi court sentenced Uttar Pradesh state lawmaker Kuldeep Sengar to life imprisonment for culpable homicide and criminal conspiracy in the death of a rape victim's father and ordered him to pay 2.5 million rupees ($35,000) in compensation. Sengar's brother allegedly tortured the victim's father after she came forward with a rape allegation against him in 2017, and the victim's father died in police custody. In 2019 the victim was critically injured in a head-on road collision, which the victim's family alleged Sengar orchestrated to kill her. In 2019 the Supreme Court directed the state government to pay compensation to the victim and transferred all related litigation to courts in Delhi.

There were reports of security forces acting with impunity although members were also held accountable for illegal actions. In December the Indian Army indicted an officer and two others of extrajudicial killings in Jammu and Kashmir. Also, Jammu and Kashmir Police filed local charges against the accused. Additionally, the National Human Rights Commission (NHRC) may request information about

cases involving the army and paramilitary forces.

Prison and Detention Center Conditions

Prison conditions were frequently life threatening, most notably due to inadequate sanitary conditions, lack of medical care, and extreme overcrowding.

Physical Conditions: Prisons were often severely overcrowded, and food, medical care, sanitation, and environmental conditions frequently were inadequate. Potable water was not universally available. Prisons and detention centers remained underfunded and understaffed, and lacked sufficient infrastructure. Prisoners were sometimes physically mistreated.

According to the *PSI 2019* report released in August, there were 1,350 prisons in the country with a total authorized capacity of 403,739 persons. The actual incarcerated population was 478,600. Persons awaiting trial accounted for approximately 70 percent of the prison population. The law requires detention of juveniles in rehabilitative facilities, although at times authorities detained juveniles in adult prisons, especially in rural areas. Authorities often held pretrial detainees with convicted prisoners. The NCRB's *PSI 2019* report acknowledged overcrowding as "one of the biggest problems faced by prison inmates." Prisons in Uttar Pradesh reported the highest overcrowding in the country with an occupancy rate of 168 percent, followed by Uttarakhand at 159 percent, and Meghalaya at 157 percent.

In official documents presented to the Karnataka High Court on February 27, the Karnataka government reported 4,916 prisoners diagnosed with mental health conditions and 237 diagnosed with severe mental disorders such as schizophrenia and bipolar disorder. The court ordered the government to submit reports on mental health treatment provided to prisoners.

Since 2009, 30 persons had died at various immigration detention centers in Assam. A 2019 report by the Assam state assembly noted that ethnic minorities constituted a majority of these deaths: 26 were Bengali speakers, while two each belonged to the Adivasi and Koch-Rajbongshi communities.

On March 23, during the national COVID-19 lockdown, the Supreme Court

ordered states and union territories to release certain prisoners on parole or interim bail. The state governments of Goa, Chhatisgarh, Madhya Pradesh, Gujarat, and Maharashtra separately ordered prison systems to parole or furlough inmates to reduce prison overcrowding.

Administration: Authorities permitted prisoners to register complaints with state and national human rights commissions, but the authority of the commissions extended only to recommending that authorities redress grievances. Government officials reportedly often failed to comply with a Supreme Court order instructing the central government and local authorities to conduct regular checks on police stations to monitor custodial violence.

Authorities permitted visitors limited access to prisoners, although some family members claimed authorities denied access to relatives, particularly in restive areas, including Jammu and Kashmir.

Independent Monitoring: The NHRC received and investigated prisoner complaints of human rights violations throughout the year, but civil society representatives believed few prisoners filed complaints due to fear of retribution from prison guards or officials.

In many states the NHRC made unannounced visits to monitor state prisons, including training workshops and seminars for officials, but NHRC jurisdiction does not extend to military detention centers. An NHRC special rapporteur visited state prisons to verify that authorities provided medical care to all inmates. The rapporteur visited prisons on a regular basis throughout the year but did not release a report to the public or the press.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but both occurred during the year. Police also used special security laws to postpone judicial reviews of arrests. Pretrial detention was arbitrary and lengthy, sometimes exceeding the duration of the sentence given to those convicted.

According to human rights NGOs, police used torture, mistreatment, and arbitrary detention to obtain forced or false confessions. In some cases police reportedly

held suspects without registering their arrests and denied detainees sufficient food and water.

Following the central government's August 2019 abrogation of a special constitutional provision that provided autonomous status for Jammu and Kashmir, authorities used a public safety law to detain local politicians without trial. Most detainees were released during the year. Media reports indicated those released were required to sign bonds agreeing not to engage in political activity.

In December 2019 Mohammed Faisal, a member of the National Confederation of Human Rights Organizations, was assaulted by Uttar Pradesh police and spent 14 days in jail. The Muslim lawyer attended protests against the Citizenship Amendment Act (CAA) to offer emergency legal and other support services. NGO activists in Uttar Pradesh alleged instances of persecution of human rights lawyers for defending their clients and challenging unlawful conduct.

Arrest Procedures and Treatment of Detainees

In cases other than those involving security risks, terrorism, or insurgency, police may detain an individual without charge for up to 30 days, although an arrested person must be brought before a judge within 24 hours of arrest. Lengthy arbitrary detention remained a significant problem due to overburdened and underresourced court systems and a lack of legal safeguards.

Arraignment of detainees must occur within 24 hours unless authorities hold the suspect under a preventive detention law. The law allows police to summon individuals for questioning, but it does not grant police prearrest investigative detention authority. There were incidents in which authorities allegedly detained suspects beyond legal limits. By law authorities must allow family member access to detainees, but this was not always observed.

Due to delays in completion of repatriation procedures, foreign nationals often remained incarcerated beyond the expiration of their sentences. The *PSI 2019* revealed there were 765 prisoners belonging to the "other" category. According to experts these were most likely prisoners who completed their sentence but were yet to be released. This included approximately 250 Rohingya arrested for illegal entry, of whom 150 had reportedly completed their sentences. The government

reportedly impeded access of the Office of the UN High Commissioner for Refugees (UNHCR) to these individuals, which prevented adjudication of their asylum claims. Right-to-information requests from 26 states indicated there were approximately 3,900 foreign nationals in prisons across the country. Of these, 1,647 were undergoing trials, 1,377 were convicts, and 871 were awaiting repatriation.

In August, Monu died after allegedly being tortured in police custody in Uttar Pradesh's Rae Bareli district. Media reports said he was detained along with four others for theft of a motorcycle. The district police chief (DPC) admitted that Monu was illegally detained for more than two days without being produced before a magistrate. The DPC subsequently suspended the head of the police station.

The law requires every arrested person to be produced before a judicial magistrate within 24 hours of arrest. Other than in Jammu and Kashmir, the National Security Act allows police to detain persons considered security risks without charge or trial for as long as one year. The law allows family members and lawyers to visit national security detainees and requires authorities to inform a detainee of the grounds for detention within five days, or 10 to 15 days in exceptional circumstances. Nonetheless, rights activists noted provisions allowing detainees to meet family or lawyers were not followed in practice, especially in the states of Odisha, Manipur, Andhra Pradesh, and Maharashtra.

The Public Safety Act (PSA), which applies only in Jammu and Kashmir, permits authorities to detain persons without charge or judicial review for up to two years without visitation from family members. After extending her detention by three months during the year, authorities released former chief minister of Jammu and Kashmir Mehbooba Mufti, who had been detained under the PSA. According to the JKCCS, 662 individuals were arrested under the PSA in 2019, of whom 412 remained under detention as of August. The government released most political activists from detention, although several Kashmiri politicians were reportedly detained in the period prior to the district development council elections in December.

Authorities in Jammu and Kashmir allowed detainees access to a lawyer during

interrogation, but human rights groups documented that police routinely employed arbitrary detention and denied detainees further access to lawyers and medical attention.

Authorities must promptly inform persons detained on criminal charges of the charges against them and of their right to legal counsel. By law a magistrate may authorize the detention of an accused person for a period of no more than 90 days prior to filing charges. Under standard criminal procedure, authorities must release the accused on bail after 90 days if charges are not filed. NCRB data released in January showed most individuals awaiting trial spent more than three months in jail before they could secure bail, and more than 63 percent spent between three months and five years before being released on bail.

The law also permits authorities to hold a detainee in judicial custody without charge for up to 180 days (including the 30 days in police custody). The Unlawful Activities Prevention Act (UAPA), which gives authorities the ability to detain persons for up to 180 days without charge in cases related to insurgency or terrorism, makes no bail provisions for foreign nationals, and allows courts to deny bail in the case of detained citizens. The UAPA presumes the accused to be guilty if the prosecution can produce evidence of the possession of firearms or explosives or the presence of fingerprints at a crime scene, regardless of whether authorities demonstrate criminal intent. State governments also reportedly held persons without bail for extended periods before filing formal charges under the UAPA. The *2018 PSI* report released in January revealed that 5,102 UAPA cases were pending investigation and trial.

In August 2019 parliament passed an amendment to the UAPA that allows the government to designate individuals as terrorists and provides new authorities to the National Investigation Agency (NIA) to seize properties acquired from proceeds of terrorism. According to the Center for Law and Policy Research, the number of cases filed under the UAPA rose from 976 cases in 2014 to 1,182 cases in 2018. States and union territories with insurgent activity, including Manipur and Jammu and Kashmir, also saw an increase in the application of the UAPA. On April 10, authorities arrested pregnant student leader Safoora Zargar under the UAPA for allegedly conspiring to incite the Delhi riots. The Delhi High Court released her on June 23 after the central government did not object to her release.

INDIA

On September 13, former Jawaharlal Nehru University (JNU) student leader Umar Khalid was arrested under the UAPA for making a speech during anti-CAA protests.

In January the NIA assumed responsibility for the Maharashtra police investigation into the 2017 arrest of five human rights activists. On October 8, the NIA arrested 83-year-old Jesuit priest and human rights activist Stan Swamy in relation to this investigation; authorities denied his request for bail on October 23. On August 17, the NIA opposed the bail plea of Sudha Bharadwaj, another activist involved in this investigation, who appealed her detention on health concerns during the COVID-19 pandemic. Varvara Rao, an 80-year-old human rights activist under arrest, tested positive for COVID-19 in June and was hospitalized. His family and supporters continued to petition for his release. Swamy, Bharadwaj, and Rao were three of the five human rights activists Maharashtra police arrested in 2018 for the Elgaar Parishad-Koregaon Bhima events, involving an alleged plot to overthrow the government and assassinate the prime minister. All five asserted wrongful arrest and detention and claimed the arrests were intended to muzzle voices of dissent. At year's end the five activists remained in detention.

The CAA along with a plan to implement a nationwide counting of residents (the National Population Register) triggered widespread protests in several parts of the country in December 2019 and January, especially because of rumors of the government's interest to subsequently conduct a National Register of Citizens nationwide to count citizens, similar to the process in Assam. According to media reports, student-led protests occurred in at least 29 major universities and colleges. The government undertook a large security response, including at three major universities: Jamia Millia Islamia, Aligarh Muslim University, and JNU.

In December 2019 police forcefully entered the Jamia Millia Islamia campus and beat protesters, including students and teachers. They also used tear gas and rubber bullets. On January 5, masked individuals beat teachers and students in JNU. Civil society activists stated that legitimate and peaceful protests were being portrayed as terrorist activities. Activists also alleged Delhi police selectively pursued cases against Muslims and anti-CAA protesters in the months after the

riots.

Arbitrary Arrest: The law prohibits arbitrary arrest or detention, but in some cases police reportedly continued to arrest citizens arbitrarily. There were reports of police detaining individuals for custodial interrogation without identifying themselves or providing arrest warrants.

Pretrial Detention: NCRB data reported 330,487 prisoners were awaiting trial at the end of 2019, comprising 69 percent of the country's prison population. Media reported the high numbers of pretrial detainees contributed to prison overcrowding.

The government continued efforts to reduce lengthy detentions and alleviate prison overcrowding by using "fast track" courts, which specified trial deadlines, provided directions for case management, and encouraged the use of bail. In December 2019 the Ministry of Law and Justice released the Scheme on Fast Track Special Courts for Expeditious Disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act. The act aims to set up 1,023 fast track courts across the country to dispose of the 166,882 rape and POSCO Act cases that were pending trial in various courts. Some NGOs criticized these courts for failing to uphold due process and requiring detainees unable to afford bail to remain in detention.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence, but the judicial system was plagued by delays, capacity challenges, and corruption.

The judicial system remained seriously overburdened and lacked modern case management systems, often delaying or denying justice. According to Department of Justice statistics released in September, there were 398 judicial vacancies in the 1,079 judicial positions on the country's 25 high courts.

In April, Mohammed Yasin Malik, leader of the proindependence Jammu and Kashmir Liberation Front (JKLF), was arrested and charged with murder in the death of four Air Force officials in 1990. Malik was denied the right to be physically present in court. Human rights groups in Kashmir, including the

JKCCS, expressed concern regarding whether Malik was receiving a fair trial.

In March 2019 the Ministry of Home Affairs declared the JKLF an unlawful organization for five years under the UAPA. A ministry statement accused Malik and the JKLF of participating in the "genocide" of Kashmiri Hindu Pandits in 1989, as well as the murder of air force personnel, kidnappings, and funding terrorism. Malik and the JKLF were involved in violence in the early 1990s until Malik renounced violent separatism in 1994 and declared a ceasefire.

Trial Procedures

The law provides for the right to a fair and public trial, except in proceedings that involve official secrets or state security. Defendants enjoy the presumption of innocence, except as described under UAPA conditions, and may choose their counsel. The constitution specifies the state should provide free legal counsel to defendants who cannot afford it to ensure that opportunities for securing justice are not denied to any citizen, but circumstances often limited access to competent counsel. An overburdened justice system resulted in lengthy delays in court cases, with disposition sometimes taking more than a decade.

There were reported cases in which police denied suspects the right to meet with legal counsel as well as cases in which police unlawfully monitored suspects' conversations and violated their confidentiality rights.

While defendants have the right to confront accusers and present their own witnesses and evidence, defendants sometimes did not exercise this right due to lack of proper legal representation. Defendants have the right not to testify or confess guilt. Courts must announce sentences publicly, and there are effective channels for appeal at most levels of the judicial system.

Political Prisoners and Detainees

There were reports of political prisoners and detainees. NGOs reported the central government held political prisoners and temporarily detained individuals in Jammu and Kashmir under the PSA. On September 15, the Ministry of Home Affairs informed parliament that 223 political leaders from Jammu and Kashmir, who had been detained after August 2019, remained in detention but added "no person is

under house arrest."

Civil Judicial Procedures and Remedies

Individuals, or NGOs on behalf of individuals or groups, may file public-interest litigation petitions in any high court or directly to the Supreme Court to seek judicial redress of public injury. Grievances may include a breach of public duty by a government agent or a violation of a constitutional provision. NGOs credited public-interest litigation petitions with making government officials accountable to civil society organizations in cases involving allegations of corruption and partiality.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

While the constitution does not contain an explicit right to privacy, the Supreme Court ruled in 2017 that privacy is a "fundamental right."

The law, with some exceptions, prohibits arbitrary interference. The government generally respected this provision, although at times authorities infringed upon the privacy rights of citizens. The law requires police to obtain warrants to conduct searches and seizures, except for cases in which such actions would cause undue delay. Police must justify warrantless searches in writing to the nearest magistrate with jurisdiction over the offense.

Both the central and state governments intercepted communications under legal authority. A Group of Experts on Privacy convened in 2018 by the central government under Justice Srikrishna noted the country lacked a comprehensive consumer data-protection framework to "protect individuals against such harm."

In addition the UAPA also allows use of evidence obtained from intercepted communications in terrorist cases. In Jammu and Kashmir, Punjab, and Manipur, security officials have special authorities to search and arrest without a warrant.

g. Abuses in Internal Conflict

The country's armed forces, the security forces of individual states, and

paramilitary forces engaged with insurgent groups in several northeastern states, and with Maoist insurgents in the northern, central, and eastern parts of the country. The intensity of these conflicts continued to decline. The army and security forces remained stationed in conflict areas in the Northeast, Jharkhand, and Bihar. The armed forces and police also engaged with separatist insurgents and terrorist groups in Jammu and Kashmir.

The use of force by all parties resulted in deaths and injuries to both conflict participants and civilians. There were reports government security forces committed extrajudicial killings, including staging encounter killings. Human rights groups claimed police refused to release bodies in cases of alleged "encounters." Authorities did not require the armed forces to report custodial deaths to the NHRC.

There were few investigations and prosecutions of human rights violations or abuses arising from internal conflicts. Authorities arrested and tried insurgents under terrorism-related legislation.

On August 14, HRW called for an impartial investigation into the July 18 killing of three men by security forces in Jammu and Kashmir. The army claimed the men were militants killed in retaliatory gunfire in Shopian District. The family members identified the bodies from photographs circulated on social media and claimed they were laborers. The army instituted a court of inquiry into the killings, and on September 18, army officials stated the troops "exceeded powers vested under AFSPA." The army initiated disciplinary proceedings against those involved in the incident.

Killings: Various domestic and international human rights organizations continued to express serious concern at the use of pellet guns by security forces for crowd-control purposes in Jammu and Kashmir. In March the Jammu and Kashmir High Court dismissed the public interest litigation petition seeking a ban on the use of pellet guns on protesters, asserting that police have the right to administer force in self-defense when facing violent protests. Ministry of Home Affairs data and Srinagar hospital records showed that at least 18 individuals died

from pellet gun injuries between July 2016 and February 2019.

In Maoist-affected areas, there were reports of abuses by insurgents and security forces. On March 21, more than 250 Maoist (Naxal) insurgents ambushed security personnel, killing 17 and injuring at least 14 police and security personnel in the state of Chhattisgarh.

On July 29, armed militants in Manipur killed three soldiers and injured at least six of the Assam Rifles, a counterinsurgency unit. The ambush happened near the border with Burma as soldiers came under attack while returning to their bases. The Manipur Naga People's Front, the Revolutionary People's Front, and the United Liberation Front of Asom-Independent jointly claimed responsibility for the attack.

Abductions: Human rights groups maintained that paramilitary and insurgent forces abducted persons in Manipur, Jharkhand, Jammu and Kashmir, and Maoist-affected areas.

On January 22, supporters of the Pathalgadi movement, which promotes a tribal custom of stone plaques with inscriptions asserting community rights and prohibiting entry of outsiders, reportedly kidnapped seven villagers and later killed them in Jharkhand. According to police, the villagers were abducted and killed because they opposed the Pathalgadi movement.

Physical Abuse, Punishment, and Torture: There were reports government security forces tortured, raped, and mistreated insurgents and alleged terrorists in custody and injured demonstrators. Human rights activists alleged some prisoners were tortured or killed during detention.

A May 2019 report by the JKCCS and the Association of Parents of Disappeared Persons alleged that police, military, and paramilitary forces in Jammu and Kashmir used torture against civilians and opposition over the past four decades. The report documented 432 testimonies from individuals who claimed to have been tortured. There were continued allegations of physical abuse and torture following the government's enhanced security measures in Jammu and Kashmir

after the August 2019 move to abrogate Article 370 of the constitution.

On August 30, there were violent clashes between security personnel and Shia Muslim marchers in Jammu and Kashmir during Muharram processions. Approximately 200 to 250 individuals and 30 to 40 police personnel were injured, according to several media reports.

Child Soldiers: No information was available on how many persons younger than 18 were serving in the armed forces.

Insurgent groups reportedly used children to attack government entities. In June the annual UN *Children and Armed Conflict* report outlined allegations that at least five children were recruited by, and joined, militant groups in Jammu and Kashmir, and at least two of these children were killed in encounters with security forces. NGOs estimated at least 2,500 children were associated with insurgent armed groups in Maoist-affected areas as well as insurgent groups in Jammu and Kashmir.

The UN report also found that children continued to be affected by violence between armed groups and the government, particularly in Chhattisgarh, Jharkhand, and Jammu and Kashmir. It noted security force operations, terrorist activity, or shelling across the line of control resulted in the killing of eight and maiming of seven children. The report, which covered 2019, noted police forces rescued 10 children in the state of Jharkhand from Maoist insurgency groups who had abducted them and used them in combat capacities.

According to the United Nations, 68 children between the ages of nine and 17 were detained by security services in Jammu and Kashmir on national security-related charges, including one for actual or alleged association with armed groups. Nonstate armed groups reportedly forced children to serve as spies, couriers, and soldiers in the states of Bihar, Chhattisgarh, Jharkhand, Maharashtra, West Bengal, and Odisha and as soldiers in Jammu and Kashmir. According to government sources, Maoist groups sometimes used children as human shields in confrontations with security forces.

Although the United Nations was not able to verify all allegations of child soldiers, NGO observers reported children as young as 12 were members of Maoist youth

groups and allied militia. The children handled weapons and improvised explosive devices, according to these reports. Maoists reportedly held children against their will and threatened severe reprisals, including the killing of family members, if the children attempted to escape. The government claimed, based on statements of several women formerly associated with Maoist groups, that sexual violence, including rape and other forms of abuse, was a practice in some Maoist camps.

Attacks on schools by Maoists continued to affect children's access to education in affected areas. There were continued reports on the use of schools as military barracks and bases. The deployment of government security forces near schools remained a concern. There were reports nonstate armed groups recruited children from schools in Chhattisgarh.

In January 2019 the Observer Research Foundation reported militant groups in Kashmir recruited juveniles. The foundation highlighted the conditions that encouraged minors in Jammu and Kashmir to join such groups. The report discussed the involvement of children in acts of violence, such as stone pelting and arson, which was then followed by a heavy-handed crackdown by security forces. It stated that, in the absence of a juvenile justice mechanism, the law-and-order apparatus failed to differentiate between children and adults, in turn provoking an ever greater degree of anger among the populace.

Other Conflict-related Abuse: On March 17, the Ministry of Home Affairs informed parliament's lower house there were approximately 65,000 registered Kashmiri migrant families across the country. Tens of thousands of Hindus, known as Kashmiri Pandits, fled the Kashmir Valley after 1990 because of conflict and violent intimidation, including destruction of houses of worship, sexual abuse, and theft of property, by Kashmiri separatists.

The Prime Minister's Development Package, announced in 2015, outlined a reconstruction plan for Jammu and Kashmir and included the creation of 3,000 state government jobs for Kashmiri migrants. On March 18, the minister of state for home affairs informed the upper house of parliament that the selection process had concluded for 1,781 posts and that 604 of the positions had been filled as of

February 22.

In the central and eastern areas, armed conflicts between Maoist insurgents and government security forces over land and mineral resources in tribal forest areas continued. According to the SATP's existing-conflict map, Maoist-affected states included Madhya Pradesh, Maharashtra, Karnataka, Kerala, Tamil Nadu, Andhra Pradesh, Telangana, Odisha, Chhattisgarh, Jharkhand, West Bengal, Bihar, Uttar Pradesh, and Assam. Human rights advocates alleged the government's operations sought not only to suppress the Maoists but also to force tribal populations from their land, allowing for its purchase by the private sector.

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, but it does not explicitly mention freedom of the press. The government generally respected this right, although there were several instances in which the government or actors considered close to the government allegedly pressured or harassed media outlets critical of the government, including through online trolling. There were also reports of extremists perpetrating acts of killing, violence, and intimidation against journalists critical of the government.

Freedom of Speech: Individuals routinely criticized the government publicly and privately. According to the HRW *World Report 2020*, sedition and criminal defamation laws were sometimes used to prosecute citizens who criticized government officials or state policies. In certain cases local authorities arrested or filed cases against individuals under laws against hate speech for expressions of political views. The harassment and detainment of journalists critical of the government in their reporting or social media messaging continued.

Freedom House's *Freedom in the World 2020* report asserted that freedom of expression remained weakened in the country and noted the government often remained silent regarding direct attacks on free speech. The report stated authorities used security, defamation, sedition, and hate speech laws, as well as contempt-of-court charges, to curb critical voices in media. In some instances the

government reportedly withheld public-sector advertising from media outlets that criticized the government, causing some outlets to practice self-censorship. The report highlighted Hindu nationalist campaigns discouraging "antinational" forms of speech as exacerbating self-censorship.

On August 14, a three-judge bench of the Supreme Court convicted prominent lawyer Prashant Bhushan for criminal contempt of court for two tweets that criticized the chief justice and the role played by the Supreme Court in the past six years. Bhushan was also facing contempt charges on another case relating to his comments in 2009 alleging judicial corruption. He was required to pay a symbolic fine of one rupee and express contrition before the court. According to media, more than 3,000 retired judges, lawyers, and eminent persons supported Bhushan and sent a petition to the Supreme Court stating that Bhushan's tweets did not amount to contempt.

AII's report *Jammu and Kashmir After One year of Abrogation of Article 370* documented 14 instances of detention, police interrogations, and assaults on journalists. The government also introduced a new media regulation policy in Jammu and Kashmir empowering local administration to determine "fake and antinational news" and to initiate related action against journalists.

On February 15, Karnataka police arrested three engineering students of Kashmiri origin on sedition charges. According to police records, Basit Ashiq Ali, Talib Majeed, and Ameer Mohiuddin Wani recorded a video of themselves chanting slogans supporting Pakistan and posted the video on social media. They were arrested after college officials reported them to police. On June 10, the students were released on bail.

On February 20, Karnataka police booked student activist Amulya Leona on sedition charges for shouting pro-Pakistan slogans in her speech at a rally in Bengaluru protesting the CAA. A local court granted her bail on June 11.

On April 1, a complaint was filed against the founding editor of the news website *The Wire*, Siddharth Varadarajan, for his tweet referencing a report that the Uttar Pradesh chief minister, Yogi Adityanath, had insisted a religious gathering be held during the COVID-19 lockdown. Although a correction was issued, the complaint

was filed under Sections 66D and 67 of Information Technology Act 2000, Sections 188 and 505(2) of the Indian Penal Code, Section 54 of Disaster Management Act 2005 and Section 3 of Epidemic Diseases Act 1897. Varadarajan was granted bail on May 15. On May 11, Gujarat state police detained the editor and owner of Gujarati news website *Face the Nation*, Dhaval Patel, for publishing a report suggesting Gujarat's chief minister might be replaced due to criticism over rising COVID-19 cases. Patel was charged with sedition and with spreading false panic. Patel was granted bail on May 27.

On May 19, the West Bengal government temporarily stopped the broadcast of Bengali news channel Calcutta News, which questioned the state government's handling of the coronavirus pandemic, including allegations of underreporting coronavirus infection rates and death numbers and severe mismanagement of hospitals.

On May 20, Srinagar Police summoned *The Kashmir Walla* editor Fahad Shah for covering an encounter between militants and security forces. Shah alleged police claimed his stories "maligned" police and subjected him to five hours of questioning. The Srinagar police summoned Shah again on July 9 and October 4 on the same matter.

NGOs reported the arrest and detention of political and human rights activists who criticized the policies of Manipur's state government. While some faced charges of sedition, promoting communal disharmony, public mischief, and criminal conspiracy, others were booked under the National Disaster Management Act. United NGOs Mission Manipur reported that on April 12, the Manipur state government arrested Robin Rongmei, a social activist, under the act for posting a video on Facebook that showed shortages of essential items for children in a shelter home during the lockdown.

On May 25, Kolkata police summoned Anirban Chattopadhyay, editor of the leading Bengali newspaper *Anandabazar Patrika*, for interrogation. Police summoned him because his newspaper reported on the inadequate supply of personal protective equipment for the staff of a hospital handling COVID-19 cases. On May 31, Chattopadhyay resigned his post as editor under pressure and to ease

tensions with the government.

On June 5, Bengaluru police registered a case against former AII executive director Aakar Patel for a message he posted on Twitter that encouraged minority communities to emulate the racial justice protests abroad. Police booked Patel with intent to cause fear or alarm to the public, wantonly giving provocation with intent to cause riot, and abetting commission of an offense by the public. Patel's Twitter account was temporarily removed but remained visible outside the country following registration of the charge.

Freedom of Press and Media, Including Online Media: Independent media were active and generally expressed a wide variety of views. The law prohibits content that could harm religious sentiments or provoke enmity among groups, and authorities invoked these provisions to restrict print media, broadcast media, digital media platforms, and publication or distribution of books.

According to several journalists, press freedom declined during the year. There were several reports from journalists and NGOs that government officials, at both the local and national levels, were involved in silencing or intimidating critical media outlets through physical harassment and attacks, pressuring owners, targeting sponsors, encouraging frivolous lawsuits, and in some areas blocking communication services, such as mobile telephones and the internet, and constraining freedom of movement.

The Reporters without Borders *2020 World Press Freedom Index* identified press freedom violations by police, political activists, criminal groups, and corrupt local officials. Physical attacks and "coordinated hate campaigns waged on social networks" against journalists were cited as major areas of concern. Harassment and violence against journalists were particularly acute for female journalists. Journalists working in Jammu and Kashmir continued to face barriers to free reporting through communications and movement restrictions. According to the report, pressure on media to amplify government perspectives increased following the May 2019 national elections. Criminal prosecutions were often used to gag journalists critical of the authorities, including the use of a section of the penal

code that includes sedition punishable by life imprisonment.

In February the Kashmir Press Club stated security agencies had routinely deployed intimidation tactics such as threats, summonses, and physical attacks on journalists in Jammu and Kashmir. On February 8, journalists Naseer Ganai and Haroon Nabi were summoned to the police facility, where they were questioned for reporting on a statement by the Jammu Kashmir Liberation Front.

In June the Jammu and Kashmir government released the *Media Policy--2020*, which authorizes the Directorate of Information and Publication Relations to "examine" the content of print, electronic, and other forms of media for "fake news, plagiarism, and unethical or antinational activities" in the name of law and order. Under the new media policy, government action could range from legal proceedings against journalists for "indulging in fake news, unethical or antinational activities, or plagiarism" to withholding advertisements to any media that "incite or tends to incite violence, question sovereignty and the integrity of India, or violate the accepted norms of public decency and behavior."

On June 13, Uttar Pradesh authorities charged *Scroll.in* executive editor Supriya Sharma for a news report critical of the COVID-19 lockdown under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, as well as under sections of the penal code regarding printing defamatory matter and negligent acts likely to spread infection of disease dangerous to life. Police also named the Mumbai-based editor in chief of *Scroll.in* in the first information report (FIR). On August 26, the Allahabad High Court granted Sharma protection from immediate arrest in the case but allowed the investigation to continue.

On July 1, UNESCO Director-General Audrey Azoulay called for authorities to end "gunpoint censorship" and prosecute those responsible for the killing of Shubham Mani Tripathi, a journalist for the newspaper *Kampu Mail*. Tripathi died on June 19 when he was shot six times by two gunmen while on his way home in Uttar Pradesh. His killing was allegedly in retaliation for his investigative reports into connections between illegal sand mining and corruption allegations. The two assailants, along with a third individual, were arrested.

The government maintained a monopoly on AM radio stations, limiting

broadcasting to the state-owned All India Radio, and restricted FM radio licenses for entertainment and educational content. Widely distributed private satellite television provided competition for Doordarshan, the government-owned television network. There were accusations of political interference in the state-owned broadcasters. State governments banned the import or sale of some books that contained material government censors deemed could be inflammatory or provoke communal or religious tensions.

On March 6, the Union Ministry of Information and Broadcasting placed a 48-hour ban on two Malayalam news channels for broadcasting footage of the February riots in New Delhi, allegedly in violation of the Cable Network Television Network Act. Hours after the ban was imposed, the ministry revoked its order and restored the transmission of both channels.

On April 24, Tamil Nadu police arrested Andrew Sam Raja Pandian, the owner of a news platform, for reporting on alleged government corruption. A complaint was filed by a local government official who claimed the website was spreading false reports against the state government. A local court granted the media owner bail on April 28.

Violence and Harassment: There were numerous instances of journalists and members of media organizations reportedly being threatened or killed in response to their reporting. Police rarely identified suspects involved in the killing of journalists. The Committee to Protect Journalists reported at least 79 journalists had been killed between 1992 and 2020. According to the *2020 World Press Freedom Index*, at least four journalists were killed in connection with their work as of December.

On March 3, unidentified assailants attacked Tamil Nadu-based journalist M. Karthi with an iron rod. In his police complaint, Karthi claimed the attack was related to his reporting on a dispute between two ruling party politicians in the region. On March 4, police detained two suspects for questioning in relation to the attack, including an official in Tamil Nadu's All India Anna Dravida Munnetra Kazhagam party.

On August 11, Shahid Tantray, Prabhjit Singh, and a third unidentified female--all

journalists for *The Caravan* magazine--were attacked by a mob while reporting in New Delhi. Tantray reported that after identifying him as a Muslim, "the mob beat [him], punched on [his] neck and back, and tried to strangle [him] with the camera strap." *The Caravan* stated the female journalist was sexually harassed. Police did not file a FIR or make arrests.

In September, Parashar Biswas, a journalist from the daily newspaper *Syandan Patrika* in Tripura, was beaten by unidentified individuals after he criticized Chief Minister Biplab Deb's comments made against media outlets for publishing stories of alleged state mismanagement of the coronavirus crisis. The Tripura Assembly of Journalists condemned the attack and demanded the chief minister not further threaten reporters or media houses.

Online and mobile harassment was especially prevalent, and incidents of internet "trolling," or making deliberately offensive or provocative online posts with the aim of upsetting someone, continued to rise. Journalists were threatened online with violence and, in the case of female journalists, rape.

On July 3, journalist Rana Ayyub shared screenshots of several death and rape threats received on Twitter, Facebook, and Instagram after she spoke out against the killing of a 65-year-old Srinagar resident. In one screenshot the social media user asked Ayyub to recall Gauri Lankesh, a journalist shot and killed in 2017.

Censorship or Content Restrictions: Citizens generally enjoyed freedom of speech, but the government continued to censor and restrict content based on broad public- and national-interest provisions under Article 19 of the constitution.

In February 2019 the minister of state in the Ministry of Communications told members of parliament the government had ordered the Department of Telecommunications to block 17,444 sites during the previous three years on the basis of recommendations of the Central Bureau of Investigation, the Ministry of Electronics and Information Technology, courts of law, and several other organizations.

On June 18, Uttar Pradesh filed a FIR against *Scroll.in* executive editor Supriya Sharma for a report on the adverse effects of the COVID-19 lockdown in Varanasi. Police acted on a complaint filed by an individual Sharma interviewed about the

lockdown, who alleged that Sharma misrepresented her comments and identity. *Scroll.in* denied the charges against Sharma and stood by her reporting. The media outlet alleged the FIR was an "attempt to intimidate and silence independent journalism." Local human rights activist Harsh Mander noted the FIR was part of a recent trend targeting journalists with legal actions. On June 18, Reporters without Borders said the charges were a "blatant attempt to intimidate one of India's most resilient reporters." According to reports, at least 55 journalists and editors were arrested or booked for reporting on the COVID-19 lockdown.

In 2018 the Ministry of Electronics and Information Technology revealed that 14,221 websites had been blocked since 2010. Between January and October 2019, the ministry issued blocking orders for an additional 20 websites.

Libel/Slander Laws: Individuals continued to be charged with posting offensive or derogatory material on social media.

On January 31, Karnataka police arrested the director of the Shaheen Primary and High School and a student's mother for sedition after a school play was alleged to be critical of the CAA and "disrespectful" of Prime Minister Modi. On February 15, a district court released the two women on bail.

On April 18, police in Kashmir booked photojournalist Masrat Zahra under the UAPA for indulging in "antinational activities" on social media. In a statement police accused Zahra of "uploading antinational posts with criminal intention, uploading posts that glorify antinational activities and dent the image of law enforcing agencies besides causing disaffection against the country." Zahra maintained she was sharing archival images that had already been published in different local and international social media platforms. The investigation continued at year's end.

On April 23, the Jammu and Kashmir cyber police filed a FIR against Kashmiri author and journalist Gowhar Geelani for "glorifying terrorism in Kashmir" through social media posts. The police statement said Geelani was "indulging in unlawful activities through his posts and writings on social media platforms which [were] prejudicial to the national integrity, sovereignty and security of India."

On May 18, Andhra Pradesh police arrested 66-year-old Ranganayaki Poonthota,

following her Facebook post in which she questioned the government's handling and police investigation of a styrene gas leak that killed at least 11 persons. She was arrested for making statements that create or promote enmity, indulging in wanton vilification, disobedience to order duly promulgated by public servant, and criminal conspiracy. The NGO Human Rights Forum described the case as a "brazen attack on free speech" and demanded withdrawal of the case.

National Security: In some cases government authorities cited laws protecting national interest to restrict media content. The government banned more than 200 Chinese mobile apps because they were "prejudicial" to the sovereignty and security of the country.

Internet Freedom

There were government restrictions on access to the internet, disruptions of access to the internet, censorship of online content, and reports the government occasionally monitored users of digital media, such as chat rooms and person-to-person communications. The law permits the government to block internet sites and content and criminalizes sending messages the government deems inflammatory or offensive. Both central and state governments have the power to issue directives for blocking, intercepting, monitoring, or decrypting computer information. The government continued to block telecommunications and internet connections in certain regions, often during periods of political unrest.

In January the Supreme Court declared access to the internet a fundamental right guaranteed by the constitution. In 2015 the Supreme Court overturned some provisions of the information technology law that restricted content published on social media but upheld the government's authority to block online content "in the interest of sovereignty and integrity of India, defense of India, security of the State, and friendly relations with foreign states or public order" without court approval. In 2017 the Ministry of Communications announced measures allowing the government to shut telephone and internet services temporarily during a "public emergency" or for "public safety." According to the measures, an order for suspension could be made by a "competent authority" at either the federal or the

state level.

According to NGO Software Freedom Law Center, the central and state governments shut down the internet in different locations 106 times in 2019 and 76 times as of December 21. The center reported the longest shutdown occurred between August 4, 2019, and March 4 in Jammu and Kashmir. Authorities restored mobile 2G services in April and landline internet in August. Mobile 3G and 4G connections remained blocked as of December, although intermittent access was restored in certain districts.

AII documented 67 instances of government-enforced internet shutdowns in Jammu and Kashmir between January 14 and August 4. NGOs and professionals from the education and medical fields reported that frequent internet shutdown and denial of access to 4G internet presented problems to online education and COVID-19 mitigation measures.

In January the Supreme Court ruled that the indefinite shutdown of the internet in Jammu and Kashmir was illegal.

In December 2019, in response to protests concerning the passage of the CAA, internet shutdowns were implemented throughout the country. NGOs maintained that local officials often used a section of the code of criminal procedure relating to riots and civil disturbances as the legal basis for internet shutdowns.

Government requests for user data from internet companies increased dramatically. According to Facebook's transparency report, the government made 49,382 data requests in 2019, a 32 percent increase from 2018. Google reported a 69 percent increase in government requests for user data in its *2019 Transparency Report*, receiving 19,438 disclosure requests. Twitter's *Transparency Report* indicated 1,263 account information requests from the government in 2019, a 63 percent increase from 2018.

In its *Freedom in the World 2020* report, Freedom House noted the central government and state governments repeatedly suspended mobile internet services to curb collective action by citizens. NGOs also asserted the legal threshold for internet shutdowns was low and shutdown regulations were applied unevenly by

executive branch officials with little or no legislative or judicial oversight.

Press outlets frequently reported instances in which individuals and journalists were arrested or detained for online activity, although NGOs noted there was little information about the nature of the activity or if it involved criminal or legitimate speech. Police continued to arrest individuals under the Information Technology Act for legitimate online activity, despite a 2015 Supreme Court ruling striking down the statute as unconstitutional, and which experts claimed was an abuse of legal processes.

The Central Monitoring System continued to allow governmental agencies to monitor electronic communications in real time without informing the subject or a judge. The monitoring system is a mass electronic surveillance data-mining program installed by the Center for Development of Telematics, a government-owned telecommunications technology development center.

The National Intelligence Grid (NATGRID), expected to begin functioning at year's end, was proposed after the 11/26 terror attacks in Mumbai as a unified intelligence database to collect data and patterns of suspects from 21 organizations. NATGRID's database was designed to link 11 national agencies with approximately 14,000 police stations throughout the country.

In July the Ministry of Electronics and Information Technology banned 59 mobile applications owned by China-based companies or otherwise linked to China, including the social media and communications platforms TikTok, WeChat, and Helo, citing national security reasons. As of year's end, the ministry had banned more than 200 Chinese applications.

Academic Freedom and Cultural Events

The government occasionally applied restrictions on the travel and activities of visiting foreign experts and scholars. Academics continued to face threats and pressure for expressing controversial views. In August, Delhi police interrogated Delhi University academic and social activist Apoorvanand was interrogated by the Delhi police regarding his alleged association with the anti-CAA protests. Apoorvanand said in a public statement that, while an investigating agency was within its right to summon anyone for investigation, it should not lead to further

harassment and victimization of protesters who asserted their democratic right to protest through constitutional means.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Freedom of Peaceful Assembly

The law provides for freedom of assembly. Authorities often required permits and notification before parades or demonstrations, and local governments generally respected the right to protest peacefully. Jammu and Kashmir was an exception, where the state government sometimes denied permits to separatist political parties for public gatherings, and security forces reportedly occasionally detained and assaulted members of political groups engaged in peaceful protest (see section 1.g.). During periods of civil unrest in Jammu and Kashmir, authorities used the law to ban public assemblies and impose curfews.

Security forces, including local police, often disrupted demonstrations and reportedly used excessive force when attempting to disperse protesters. On August 28, AII stated that Delhi police committed serious human rights violations during the February communal riots in Delhi. AII claimed police personnel were "complicit and actively participating" in the violence that killed more than 50 persons, the majority of whom were Muslims.

There were some restrictions on the organization of international conferences. Authorities required NGOs to secure approval from the central government before organizing international conferences. Authorities routinely granted permission, although in some cases the approval process was lengthy. Some human rights groups claimed this practice provided the government tacit control over the work of NGOs and constituted a restriction on freedoms of assembly and association.

Freedom of Association

The law provides for freedom of association. While the government generally respected this right, the government's increased monitoring and regulation of

NGOs that received foreign funding caused concern. In certain cases the government required "prior approval" for some NGOs to receive foreign funds, suspended foreign banking licenses, or froze accounts of NGOs that allegedly received foreign funding without the proper clearances or that mixed foreign and domestic funding. In other instances, the government canceled or declined to renew Foreign Contributions (Regulation) Act (FCRA) registrations.

In September parliament passed amendments to the FCRA that placed additional limitations on the international funding of nongovernment organizations and would create significant operational barriers for the NGO community. Experts believed the new legislation would severely restrict the ability of smaller, regional organizations to raise funds and diminish collaboration between the government and civil society.

Some NGOs reported an increase in random FCRA compliance inspections by Ministry of Home Affairs officials who they said were purportedly under pressure to demonstrate strict enforcement of the law. FCRA licenses were also reportedly canceled periodically based on nonpublic investigations by the Intelligence Bureau.

Some NGOs stated they were targeted as a reprisal for their work on "politically sensitive" issues, such as human rights or environmental activism. In September, AII closed its offices after a two-year FCRA investigation resulted in the government freezing the NGO's local bank accounts. AII asserted the Ministry of Finance's Enforcement Directorate targeted their organization in retaliation for recent human rights reporting on the Delhi riots and Jammu and Kashmir. The Ministry of Home Affairs defended the actions noting "a significant amount of foreign money was also remitted to Amnesty (India) without the ministry's approval under the FCRA. This mala fide rerouting of money was in contravention of extant legal provisions." AII challenged the Enforcement's Directorate's actions in court. On December 16, the Karnataka High Court granted AII access to some of its funding from the frozen accounts and ordered the Enforcement Directorate to complete its investigation within 45 days.

In June 2019, acting on a Ministry of Home Affairs complaint, the CBI filed a FIR against Supreme Court advocate Anand Grover and the NGO Lawyers Collective,

an organization run by Supreme Court advocate Indira Jaising, alleging discrepancies in the utilization of foreign funds. On July 11, the CBI accused Grover and Jaising of violating FCRA provisions and raided their home and offices. On July 25, the Bombay High Court stated the CBI allegation against Lawyers Collective--mixing FCRA funds with domestic funding--was "vague and arbitrary," and it directed the CBI not to take any coercive steps in relation to the FIR until August 19. Civil society groups, including HRW and the International Commission of Jurists, criticized the CBI action as "dubious" and politically motivated.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at https://www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights.

The country hosted a large refugee population, including more than 80,000 Tibetan refugees and approximately 95,230 refugees from Sri Lanka. The government generally allowed UNHCR to assist asylum seekers and refugees from noncontiguous countries and Burma. In many cases refugees and asylum seekers under UNHCR's mandate reported increased obstacles regularizing their status through long-term visas (LTVs) and residence permits. Excluding Tibetan and Sri Lankan refugees, 40,068 persons of concern were registered by UNHCR; however, they were not granted legal status by the government.

In-country Movement: The central government relaxed restrictions on travel by foreigners to Arunachal Pradesh, Nagaland, Mizoram, Manipur, and parts of Jammu and Kashmir, excluding foreign nationals from Pakistan, China, and Burma. The Ministry of Home Affairs and state governments required citizens to obtain special permits upon arrival when traveling to certain restricted areas. In December 2019 the government extended the Inner Line Permit regime to

Manipur, requiring all non-Manipuris to have the permit before they enter the state.

Foreign Travel: The government may legally deny a passport to any applicant for engaging in activities outside the country "prejudicial to the sovereignty and integrity of the nation."

The trend of delaying issuance and renewal of passports to citizens from Jammu and Kashmir continued, sometimes up to two years. The government reportedly subjected applicants born in Jammu and Kashmir, including children born to military officers deployed there, to additional scrutiny and police clearances before issuing them passports.

Citizenship: In December 2019 parliament passed the CAA, which provides an expedited path to citizenship for Hindu, Sikh, Buddhist, Jain, Parsi, and Christian religious minorities from Afghanistan, Bangladesh, and Pakistan. The act makes no provision for Muslims and does not apply to the tribal areas of Assam, Meghalaya, Mizoram, or Tripura. Following passage of the act, wide-scale protests against its passage and exclusion of Muslims occurred throughout the country, leading to arrests, targeted communications shutdowns, bans on assembly, and deaths in a few instances.

Approximately 1.9 million residents of the state of Assam, which borders Bangladesh, were left off the register of 32.9 million who applied for the National Register of Citizens (NRC) process in Assam, leaving the nationality status of those excluded unclear pending the adjudication of these claims and objections. The government established procedures for appeals against the NRC decisions. The official notification required to initiate the procedures in Assam remained pending. On January 6, the government informed the Supreme Court that children would not be separated from their parents or sent to detention centers because of the NRC in Assam. On February 4, the government informed parliament that it had not taken any decision to prepare the NRC at the national level. On March 18, the Ministry of Home Affairs filed an affidavit in the Supreme Court stating that preparation of the NRC was a "necessary exercise for any sovereign country for mere identification of citizens from noncitizens." On December 23, 2019, Prime Minister Modi denied any intention by the central government to implement a nationwide NRC process outside of Assam, despite widespread speculation

regarding the government's intention to do so.

e. Status and Treatment of Internally Displaced Persons

Authorities located settlements of internally displaced persons (IDPs) throughout the country, including those containing groups displaced by internal armed conflicts in Jammu and Kashmir, Maoist-affected areas, the northeastern states (see section 1.g.), and Gujarat. In 2019 approximately 19,000 persons were displaced because of conflicts and violence, while natural disasters displaced more than five million persons.

Precise numbers of those displaced by conflict or violence was difficult because the government does not monitor the movements of displaced persons, and humanitarian and human rights agencies had limited access to camps and affected regions. While authorities registered residents of IDP camps, an unknown number of displaced persons resided outside the camps. Many IDPs lacked sufficient food, clean water, shelter, and health care (see section 1.g., Other Conflict-related Abuse).

National policy or legislation did not address the issue of internal displacement resulting from armed conflict or from ethnic or communal violence. The welfare of IDPs was generally the purview of state governments and local authorities, allowing for gaps in services and poor accountability. The central government provided limited assistance to IDPs, but it had access to NGOs and human rights organizations, although neither access nor assistance was standard for all IDPs or all situations.

In January the central government, along with the state governments of Tripura and Mizoram, signed an agreement with the leaders of the Mizoram Bru Displaced People's Forum that allowed Brus to settle permanently in Tripura. The Brus are a scheduled tribe living in relief camps in Tripura as IDPs since 1997, when they fled Mizoram in the wake of ethnic clashes with the Mizo community. The agreement was intended to allot land and cash assistance to more than 30,000

persons from the Bru tribes in Tripura.

f. Protection of Refugees

UNHCR did not have an official agreement with the government but supported it in refugee protection and response.

Abuse of Migrants, Refugees, and Stateless Persons: The law does not contain the term "refugee," treating refugees as any other foreigner. Undocumented physical presence in the country is a criminal offense. Persons without documentation were vulnerable to detention, forced returns, and abuse. The country historically treated persons as refugees based on the merits and circumstances of the cases coming before them.

The courts protected refugees and asylum seekers in accordance with the constitution.

Refugees reported exploitation by nongovernment actors, including assaults, gender-based violence, fraud, and labor and sex trafficking. Problems of domestic violence, sexual abuse, and early and forced marriage also continued. According to NGOs, gender-based violence and sexual abuse were prevalent in the Sri Lankan refugee camps. Most urban refugees worked in the informal sector or in occupations such as street vending, where they suffered from police extortion, nonpayment of wages, and exploitation.

Rohingya migrants continued to be detained in Assam, Manipur, and Mizoram. States such as Mizoram grappled with the detention of Rohingya migrants with little guidance from the central government on care and repatriation issues.

According to UNHCR, 250 refugees were in detention as of September. Most refugees were Rohingya, who were detained while crossing the border into India. UNHCR continued to advocate for their release, for asylum seekers to have access to territory and have their claims efficiently assessed, and for refugees to benefit from protection in the state where they arrive and which has jurisdiction over them.

Refoulement: The government advocated for the return of Rohingya refugees, including potential trafficking victims, to Burma; at least four Rohingya, who were

in detention, were returned to Burma in January. According to UNHCR, at least 26 non-Rohingya refugees had been deported since late 2016 out of an estimated 40,000.

The identity card issued by UNHCR was the only formal legal document available for Rohingya migrants in the country. As the expiration date for these cards approached, several Rohingya migrants abandoned their temporary shelter. Some relocated to other parts of India, while others fled the country.

In 2018 the Ministry of Home Affairs instructed state governments to identify Rohingya migrants through the collection of biometric data. The ministry directed state governments to monitor Rohingya and restrict their movements to specific locations.

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. Absent a legal framework, the government sometimes granted asylum on a situational basis on humanitarian grounds in accordance with international law. This approach resulted in varying standards of protection for different refugee and asylum-seeker groups. The government recognized refugees from Tibet and Sri Lanka and generally honored UNHCR decisions on refugee status determination for individuals from other countries, including Afghanistan.

UNHCR continued to follow up on matters related to statelessness. UNHCR maintained an office in New Delhi where it registered refugees and asylum seekers from noncontiguous countries and Burma, made refugee status determinations, and provided some services. The office's reach outside of New Delhi was limited. Nonetheless, the government permitted UNHCR staff access to refugees in other urban centers and allowed it to operate in Tamil Nadu to assist with Sri Lankan refugee repatriation. Authorities did not permit UNHCR direct access to Sri Lankan refugee camps, Tibetan settlements, or asylum seekers in Mizoram, but they permitted asylum seekers from Mizoram to travel to New Delhi to meet UNHCR officials. Authorities did not grant UNHCR or other international agencies access to Rohingya detained in Kolkata or Aizawl (Mizoram), nor were they granted access to any refugees or asylum seekers in detention. Refugees

outside New Delhi faced added expense and time to register their asylum claims.

The government generally permitted other NGOs, international humanitarian organizations, and foreign governments access to Sri Lankan refugee camps and Tibetan settlements, but it generally denied access to asylum seekers in Mizoram. The government denied requests for some foreigners to visit Tibetan settlements in Ladakh.

After the end of the Sri Lankan civil war, the government ceased registering Sri Lankans as refugees. The Tamil Nadu government assisted UNHCR by providing exit permission for Sri Lankan refugees to repatriate voluntarily. The benefits provided to Sri Lankan Tamil refugees by the state government of Tamil Nadu were applicable only within the state.

Employment: The government granted work authorization to many UNHCR-registered refugees, and others found employment in the informal sector. Some refugees reported discrimination by employers. According to UNHCR, obtaining formal employment was difficult for refugees because they did not possess the necessary documents such as Aadhar (national identity) cards and long-term visas.

Access to Basic Services: Although the country generally allowed recognized refugees and asylum seekers access to housing, primary and secondary education, health care, and the courts, access varied by state and by population. Refugees were able to use public services, although access became more complicated during the year because many refugees were unable to acquire the digitized national identity card necessary to use some services. In cases where refugees were denied access, it was often due to a lack of knowledge of refugee rights by the service provider. In many cases UNHCR was able to intervene successfully and advocate for refugee access. After issuing more than 7,000 long-term visas, which were renewable on a yearly basis for up to five years and provided access to formal employment, health care, and higher education, the government halted the practice in 2017. As of the end of 2019, only 35 UNHCR-registered refugees held unexpired long-term visas. For undocumented asylum seekers, UNHCR provided a letter upon registration indicating the person was under consideration for

UNHCR refugee status.

According to the UNHCR *India Factsheet* from December 2019, the government directly provided assistance and protection to 203,235 refugees from Sri Lanka and Tibet and 39,960 asylum seekers of other nationalities registered under UNHCR mandate. There were 341 Rohingya refugees living in the south: 254 in Karnataka, seven in Kerala, and 80 in Tamil Nadu. The Rohingya were employed in the informal economy, since they did not have legal work authorization from the government. Minor children had access to health services and education under the government's "education for all" program. UNHCR was not aware of mistreatment or discrimination against Rohingya refugees; however, the agency said the state governments of Karnataka, Kerala, and Tamil Nadu were not providing adequate support.

Sri Lankan refugees were permitted to work in Tamil Nadu. Police, however, reportedly summoned refugees back into the camps on short notice, particularly during sensitive political times, such as elections, and required refugees or asylum seekers to remain in the camps for several days.

Government services, such as mother and child health programs, were available. Refugees were able to request protection from police and courts as needed.

The government did not accept refugees for resettlement from other countries.

Durable Solutions: UNHCR reported 196 individuals returned to Sri Lanka in March. At year's end voluntary repatriations were suspended because there were no commercial flights available for the return of Sri Lankan refugees due to the COVID-19 pandemic.

g. Stateless Persons

By law parents confer citizenship, and birth in the country does not automatically result in citizenship. Any person born in the country on or after January 26, 1950, but before July 1, 1987, obtained Indian citizenship by birth. A child born in the country on or after July 1, 1987, obtained citizenship if either parent was an Indian citizen at the time of the child's birth. Authorities consider those born in the country on or after December 3, 2004, citizens only if at least one parent was a

citizen and the other was not illegally present in the country at the time of the child's birth. Authorities considered persons born outside the country on or after December 10, 1992, citizens if either parent was a citizen at the time of birth, but authorities do not consider those born outside the country after December 3, 2004, citizens unless their birth was registered at an Indian consulate within one year of the date of birth. Authorities may also confer citizenship through registration under specific categories and via naturalization after residing in the country for 12 years. Tibetans reportedly sometimes faced difficulty acquiring citizenship despite meeting the legal requirements.

According to UNHCR and NGOs, the country had a large population of stateless persons, but there were no reliable estimates. Stateless populations included Chakmas and Hajongs, who entered the country in the early 1960s from present-day Bangladesh, and groups affected by the 1947 partition of the subcontinent into India and Pakistan.

Children born in Sri Lankan refugee camps received Indian birth certificates. While these certificates alone do not entitle refugees to Indian citizenship, refugees may present Indian birth certificates to the Sri Lankan High Commission to obtain a consular birth certificate, which entitles them to pursue Sri Lankan citizenship.

UNHCR and refugee advocacy groups estimated that between 25,000 and 28,000 of the approximately 95,000 Sri Lankan Tamil refugees living in Tamil Nadu were "hill country" Tamils. While Sri Lankan law allows "hill country" refugees to present affidavits to secure Sri Lankan citizenship, UNHCR believed that until the Sri Lankan government processes the paperwork, such refugees were at risk of becoming stateless.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: The Election Commission is an independent constitutional

body responsible for administering all elections at the central and state level throughout the country. In May 2019 voters re-elected the BJP-led National Democratic Alliance in the country's general elections, which involved more than 600 million eligible voters. During the year elections occurred in Delhi and Bihar. Observers considered these elections free and fair.

Political Parties and Political Participation: The constitution provides for universal voting rights for all citizens 18 and older. There are no restrictions placed on the formation of political parties or on individuals of any community from participating in the election process. The election law bans the use of government resources for political campaigning, and the Election Commission effectively enforced the law. The commission's guidelines ban opinion polls 48 hours prior to an election, and exit poll results may not be released until completion of the last phase (in a multiphase election).

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they freely participated. The law reserves one-third of the seats in local councils for women. Religious, cultural, and traditional practices and ideas prevented women from proportional participation in political office. Nonetheless, women held many high-level political offices, including five positions as cabinet ministers. This represented a decline from the first Modi government when nine women served in the cabinet. The 2019 general election saw 78 women elected to the lower house of parliament, compared with 66 in the 2014 general election. West Bengal was the only state led by a female chief minister.

The constitution stipulates that, to protect historically marginalized groups and provide for representation in the lower house of parliament, each state must reserve seats for Scheduled Castes and Scheduled Tribes in proportion to their population in the state. Only candidates belonging to these groups may contest elections in reserved constituencies. While some Christians and Muslims were identified as Dalits, the government limited reserved seats for Dalits to Hindus, Sikhs, and Jains. Members of minority populations had previously served or currently served as prime minister, president, vice president, cabinet ministers, Supreme Court

justices, members of parliament, and state chief ministers.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials at all levels of government. Officials frequently engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year.

Corruption: Corruption was present at multiple levels of government. On March 18, the minister of state in the Prime Minister's Office informed parliament's lower house that 12,458 corruption complaints were received between March 2019 and February, of which 12,066 complaints were address or resolved. Additionally, the minister noted the Central Vigilance Commission, which addresses government corruption, reviewed 2,752 cases during 2019 and carried more than 953 of those cases into 2020.

NGOs reported the payment of bribes to expedite services, such as police protection, school admission, water supply, and government assistance. Civil society organizations drew public attention to corruption throughout the year, including through demonstrations and websites that featured stories of corruption.

Media reports, NGOs, and activists reported links among politicians, bureaucrats, contractors, militant groups, and security forces in infrastructure projects, narcotics trafficking, and timber smuggling in the northeastern states.

In July 2019 multiple complaints of criminal corruption were lodged against Uttar Pradesh member of parliament Azam Khan for illegally obtaining land for the Mohammad Ali Jauhar University, which he founded in 2006. In January, Uttar Pradesh's district administration began to return the land to local farmers. According to the district magistrate, the process to return land had been started and would continue until all of the farmers' claims were settled.

Financial Disclosure: The law mandates asset declarations for all officers in the Indian Administrative Services. Both the Election Commission and the Supreme Court upheld mandatory disclosure of criminal and financial records for candidates

for elected office.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Most domestic and international human rights groups generally operated without government restriction, investigating, and publishing their findings on human rights cases. In some circumstances groups faced restrictions (see section 2.b, Freedom of Association). There were reportedly more than three million NGOs in the country, but definitive numbers were not available. The government generally met with domestic NGOs, responded to their inquiries, and took action in response to their reports or recommendations.

The NHRC worked cooperatively with numerous NGOs, and several NHRC committees had NGO representation. Some human rights monitors in Jammu and Kashmir were able to document human rights violations, but periodically security forces, police, and other law enforcement authorities reportedly restrained or harassed them. Representatives of certain international human rights NGOs sometimes faced difficulties obtaining visas and reported that occasional official harassment and restrictions limited their public distribution of materials.

The United Nations or Other International Bodies: The government continued to decline access by the United Nations to Jammu and Kashmir and limit access to the northeastern states and Maoist-controlled areas. In an August statement, UN human rights experts called on the government "to take urgent action to address the alarming human rights situation in the territory." The UN special rapporteurs noted that since August 2019, "the human rights situation in Jammu and Kashmir has been in free fall," and they were "particularly concerned that during the COVID-19 pandemic, many protesters are still in detention and internet restrictions remain in place." The group appealed to the government "to schedule pending visits as a matter of urgency, particularly of the experts dealing with torture and disappearances."

Government Human Rights Bodies: The NHRC is an independent and impartial investigatory and advisory body, established by the central government, with a

dual mandate to investigate and remedy instances of human rights violations and to promote public awareness of human rights. It is directly accountable to parliament but works in close coordination with the Ministry of Home Affairs and the Ministry of Law and Justice. It has a mandate to address official violations of human rights or negligence in the prevention of violations, intervene in judicial proceedings involving allegations of human rights violations, and review any factors (including acts of terrorism) that infringe on human rights. The law authorizes the NHRC to issue summonses and compel testimony, produce documentation, and requisition public records. The NHRC also recommends appropriate remedies for abuses in the form of compensation to the victims of government killings or their families.

The NHRC has neither the authority to enforce the implementation of its recommendations nor the power to address allegations against military and paramilitary personnel. Human rights groups claimed these limitations hampered the work of the NHRC. Some human rights NGOs criticized the NHRC's budgetary dependence on the government and its policy of not investigating abuses more than one year. Some claimed the NHRC did not register all complaints, dismissed cases arbitrarily, did not investigate cases thoroughly, rerouted complaints back to the alleged violator, and did not adequately protect complainants.

Of 28 states, 24 have human rights commissions, which operated independently under the auspices of the NHRC. Some human rights groups alleged local politics influenced state committees, which were less likely to offer fair judgments than the NHRC. The Human Rights Law Network, a nonprofit legal aid group, observed most state committees had few or no minority, civil society, or female representatives. The group claimed the committees were ineffective and at times hostile toward victims, hampered by political appointments, understaffed, and underfunded.

The government closed the Jammu and Kashmir Human Rights Commission in 2019 and ordered the NHRC to oversee human rights violations in Jammu and Kashmir. The NHRC has jurisdiction over all human rights violations, except in certain cases involving the military. The NHRC has authority to investigate cases of human rights violations committed by the Ministry of Home Affairs and

paramilitary forces operating under the AFSPA in the northeast states.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape in most cases, although marital rape is not illegal when the woman is older than 15. According to legal experts, the law does not criminalize rape of adult men. Rape of minors is covered under the gender-neutral POCSO laws. Official statistics pointed to rape as one of the country's fastest-growing crimes, prompted at least in part by the increasing willingness of victims to report rapes, although observers believed the number of rapes remained vastly underreported.

Law enforcement and legal recourse for rape victims were inadequate, and the judicial system was overtaxed and unable to address the problem effectively. Police sometimes worked to reconcile rape victims and their attackers; in some cases they encouraged female rape victims to marry their attackers. The NGO International Center for Research on Women noted low conviction rates in rape cases was one of the main reasons sexual violence continued unabated and at times unreported. The NGO Lawyers Collective observed the length of trials, lack of victim support, and inadequate protection of witnesses and victims remained major concerns and were more pronounced during the COVID-19 pandemic.

Incidents of rape continued to be a persistent problem, including gang rape, rape of minors, rape against lower-caste women or women from religious and nonreligious minority communities by upper-caste men, and rape by government officials.

The minimum mandatory punishment for rape is 10 years' imprisonment. The minimum sentence for the rape of a girl younger than age 16 is between 20 years' and life imprisonment; the minimum sentence of gang rape of a girl younger than 12 is punishable by either life imprisonment or the death penalty. An online analytic tool, the Investigation Tracking System for Sexual Offenses, exists for states and union territories to monitor and track time-bound investigation in sexual

assault cases.

On March 20, the four men convicted of the high-profile 2012 gang rape of Nirbhaya were hanged. The victim is known as Nirbhaya, meaning the fearless one, because of the law forbidding the disclosure of rape victim names. Nirbhaya, a medical student at the time, was attacked on a bus by six men while traveling home with a friend. Her friend was beaten unconscious, and she was gang-raped and brutally tortured with an iron rod. Nirbhaya died two weeks later. Of the six arrested, one died in his jail cell and another, a minor at the time, was released after three years in a reform facility. The four remaining were sentenced to death and were hanged at Delhi's Tihar Jail after the Supreme Court dismissed their final petitions.

On July 13, a woman who filed a complaint of gang rape in Bihar was arrested for misbehavior while recording her statement in court. The 22-year-old survivor was accompanied by two social workers, and the three were arrested on charges of disrupting court proceedings when the survivor, who was illiterate, refused to sign a written statement for the court and demanded it be read aloud by the social workers. Jan Jagran Shakti Sangathan, a nonprofit organization, protested the arrests, asserting the survivor's distressed state and noncompliance were caused by the trauma of the gang rape, the ordeal of narrating the incident during police investigation and court proceedings, and the lack of family and mental health support after the incident. As of July 15, the three women were being held in jail under judicial custody, and one of the five men accused of the gang rape was arrested. A group of 376 lawyers from across the country sent a letter to the Patna High Court (in Bihar) to express their concern regarding the local court's handling of the case.

On September 28, CHRI released *Barriers in Accessing Justice: The Experiences of 14 Rape Survivors in Uttar Pradesh, India*, that detailed strong evidence of the barriers imposed by police on women survivors, including caste-based discrimination, discouragement to report the crime, and forceful acceptance of illegal compromises. The report noted legal remedies against police malpractice were difficult to pursue and often did not provide redress.

On September 30, Uttar Pradesh police cremated, without family consent, the body

of a 19-year-old Dalit woman in her native village in Hathras, hours after she succumbed to injuries allegedly inflicted in a gang rape by four upper-caste men on September 14. Her death and subsequent cremation without the presence of family members sparked outrage among opposition parties and civil society. Police arrested all four accused, and the Uttar Pradesh state government assembled a three-member team to probe the incident.

On October 5, citing recent cases of alleged rape and murder, including in Hathras, the UN resident coordinator in the country expressed concern at the continuing cases of sexual violence against women and girls.

Women in conflict areas, such as in Jammu and Kashmir, the Northeast, Jharkhand, and Chhattisgarh, as well as vulnerable Dalit or tribal women, were often victims of rape or threats of rape. National crime statistics indicated Dalit women were disproportionately victimized compared with other caste affiliations.

The Kerala State Women's Commission registered a rape case involving a 75-year-old Dalit woman suffering from dementia and other mental health issues. The woman was attacked and raped by a group of unidentified men on August 4 in Ernakulam District, Kerala State.

Domestic violence continued to be a problem. The COVID-19 pandemic and lockdown led to increased instances of domestic violence. Women and children were more vulnerable due to loss of livelihood of the perpetrator and the family being forced to remain indoors, where victims were locked in with their abusers with limited means to escape or access to resources. The Jammu and Kashmir and Delhi High Courts took note of the increased problem of domestic violence and directed national protection agencies to consider additional measures to address the rising instances of domestic violence.

Local authorities made efforts to address the safety of women. On August 10, the National Commission of Women (NCW) reported 2,914 complaints of crimes committed against women in July, including 660 cases of domestic violence. This represented the highest monthly level since November 2018. The data showed Uttar Pradesh, Bihar, Haryana, Delhi, and Punjab as the states with the highest levels of domestic violence against women. The latest available NCRB data

estimated the conviction rate for crimes against women was 23 percent.

During the first weeks of the COVID-19 lockdown, the NCW received 239 complaints of domestic violence--a significant increase from the 123 complaints it received in the month preceding the lockdown. To provide protection and assistance, the NCW launched a WhatsApp helpline for women.

Acid attacks against women continued to cause death and permanent disfigurement. On February 28, a family member attacked a 25-year-old pregnant woman and her sister-in-law with acid in Haryana. After being hospitalized for one month, the pregnant victim succumbed to the wounds.

On July 15, Telangana police launched the "CybHer" online awareness campaign to protect women and children in cyberspace. The Telangana police chief stated that cybercrimes went up by 70 percent in the state during the COVID-19 lockdown, and women and children were the specific targets. The campaign was launched on multiple social media platforms.

Female Genital Mutilation/Cutting (FGM/C): No national law addresses the practice of FGM/C. According to human rights groups and media reports, between 70 and 90 percent of Dawoodi Bohras, a population of approximately one million concentrated in the states of Maharashtra, Gujarat, Rajasthan, and Delhi, practiced FGM/C.

In July 2018 the Supreme Court heard a public interest case seeking to ban the practice of FGM/C. The government, represented by Attorney General K. K. Venugopal, told the court that it supported the petitioners' plea that the practice be punishable under the provisions of the penal code and the Protection of Children from Sexual Offenses Act. Days after a September 2018 meeting between the prime minister and the spiritual head of the Dawoodi Bohra community, who supports the practice of FGM/C, the government reversed its position, and the attorney general stated the matter should be referred to a five-member panel of the Supreme Court to decide on the issue of religious rights and freedom.

Other Harmful Traditional Practices: The law forbids the acceptance of marriage dowry, but many families continued to offer and accept dowries, and dowry disputes remained a serious problem. NCRB data showed authorities

arrested 20,545 persons for dowry deaths in 2016. Most states employed dowry prohibition officers. A 2010 Supreme Court ruling mandates all trial courts to charge defendants in dowry-death cases with murder.

So-called honor killings remained a problem, especially in Punjab, Uttar Pradesh, and Haryana; they were usually attributable to the victim's marrying against his or her family's wishes. In April, three persons were arrested for the killing of a 19-year-old girl in Punjab. Family members allegedly poisoned the victim with sleeping pills, strangled her to death, and cremated her body. An honor killing of a 16-year-old girl was reported on May 2 in Rajasthan. She was strangled, burned, and buried allegedly by her mother and uncle because she eloped with a local boy of whom her family did not approve. The mother and uncle were arrested. On July 17 in Uttar Pradesh, a woman was shot and killed by her three brothers for marrying outside her caste two years previously. The accused also attacked the husband, leaving him grievously injured. Police arrested all three brothers.

On June 22, the Madras High Court acquitted B. Chinnasamy, who was accused in 2017 of hiring persons to kill his daughter's husband because he belonged to a Scheduled Caste. The court also commuted the death sentences to life imprisonment for five previously convicted individuals. Several human rights activists described the verdicts as "a travesty of justice."

There were reports women and girls in the *devadasi* system of symbolic marriages to Hindu deities (a form of so-called ritual prostitution) were victims of rape or sexual abuse at the hands of priests and temple patrons, including sex trafficking. NGOs suggested families exploited some girls from lower castes in sex trafficking in temples to mitigate household financial burdens and the prospect of marriage dowries. Some states have laws to curb sex trafficking and sexual abuse of women and girls in temple service. Enforcement of these laws remained lax, and the problem was widespread. Some observers estimated that more than 450,000 women and girls were exploited in temple-related prostitution.

On August 13, Telangana Scheduled Castes and Scheduled Tribes Commission chairman E. Srinivas told media that he observed continuing prevalence of the banned Jogini system, under which Dalit girls are forced into sexual slavery in the name of dedicating them to a village deity. He encouraged village chiefs to be

held responsible for informing police and other authorities if such practices continued. District authorities announced protection of agricultural lands given to the rehabilitated Jogini women by the government in 1989.

No federal law addresses accusations of witchcraft; however, authorities may use other legal provisions as an alternative for a victim accused of witchcraft. Most reports stated villagers and local councils usually banned those accused of witchcraft from the village. Bihar, Odisha, Chhattisgarh, Rajasthan, Assam, and Jharkhand have laws criminalizing those who accuse others of witchcraft.

On May 4, three women in Bihar were assaulted, tonsured, stripped seminaked, and forced to consume human urine and excreta by a mob that suspected them of witchcraft. Media sources reported that no bystanders came forward to help the women. Police acted after seeing a video of the incident, arresting nine persons. According to reports, the three women, all from the same family, were performing puja, a worship ritual, for a sick child at night when they were seen by villagers who suspected them of using black magic, after which they were targeted and abused the next morning.

On August 17, media reported family members beat 30-year-old Geeta Devi for allegedly practicing witchcraft in Jharkhand's Giridih District. Geeta died before police could arrive. The deceased's mother in-law filed a FIR with the Gawan police station to investigate the crime.

Sexual Harassment: Sexual harassment remained a serious problem. Authorities required all state departments and institutions with more than 50 employees to operate committees to prevent and address sexual harassment, often referred to as "eve teasing." By law sexual harassment includes one or more unwelcome acts or behavior, such as physical contact, a request for sexual favors, making sexually suggestive remarks, or showing pornography.

In February media sources reported that female trainee clerks working at the Surat Municipal Corporation were subjected to gynecological finger tests in a mandatory fitness test by female doctors at the Surat Municipal Institute of Medical Education and Research, a state-run hospital. The corporation's employees union lodged a complaint when approximately 100 employees reported the incident. The women

confided that they felt their privacy was violated when they were asked to strip naked and stand in groups while undergoing the test and being asked intimate questions about their pregnancy history. The Surat municipal commissioner formed a committee to investigate the allegations.

Reproductive Rights: Couples and individuals generally have the right to decide the number, spacing, and timing of their children. Individuals have the right to manage their reproductive health and had access to the information and means to do so, free from discrimination, coercion, or violence.

The law prohibits the use of all technologies for the purpose of sex selection before or after conception. Nevertheless, although not widely enforced, policies and guidelines that penalized families with more than two children remained in place in various states. Certain states continued to maintain quotas for government jobs and subsidies for adults with no more than two children.

Many states promoted female sterilization as a family planning method, which has resulted in risky, substandard procedures and limited access to nonpermanent methods. The national government does not have the authority to regulate state public health policies. Some women, particularly poor and lower-caste women, were reportedly pressured to have tubal ligations, hysterectomies, or other forms of sterilization.

Almost all states implement "girl child promotion" programs, intended to counter prenatal sex selection. In 2015 the government launched the *Beti Bachao Beti Padhao* program to address a decline in the child sex ratio. According to government data, the sex ratio at birth improved from 918 girl-births for every 1,000 boy-births in 2014-2015 to 934 girl-births for every 1,000 boy-births in 2019-2020 due to the program.

The government recognized the role of health-care professionals in treating survivors of sexual violence and implemented protocols that meet the international standards for such medical care. Government directives instruct health facilities to ensure survivors of all forms of sexual violence receive immediate access to health care services, including emergency contraception, police protection, emergency shelter, forensic services, and referrals for legal aid and other services.

Implementation of the guidelines was uneven, however, due to limited resources and social stigma.

For some populations, limited access to quality reproductive and maternal health care services--including prenatal care, skilled care at childbirth, and support in the weeks after childbirth--contributed to high maternal mortality. The government Office of the Registrar General *Special Bulletin on Maternal Mortality in India 2016-18* estimated that the maternal mortality ratio declined to 113 deaths per 100,000 live births in 2016-2018 from 130 deaths per 100,000 live births in 2014-2016.

Care received by women, especially those from marginalized and low-income groups, at public health facilities was often inadequate, contributing to a reluctance to seek treatment. Although government initiatives resulted in a significant increase in institutional births, there were reports that health facilities continued to be overburdened, underequipped, and undersupplied.

Coercion in Population Control: There were reports of coerced and involuntary sterilization. The government promoted female sterilization as a form of family planning for decades. Some women, especially poor and lower-caste women, reportedly were pressured by their husbands and families to have tubal ligations or hysterectomies. The government provided monetary compensation for the wage loss, transportation costs, drugs and dressing, and follow-up visits to women accepting contraceptive methods, including voluntary sterilization. There were no formal restrictions on access to other forms of family planning; however, despite recent efforts to expand the range of contraceptive choices, voluntary sterilization remained the preferred method due to the costs and limited availability of alternative contraceptive choices.

Policies penalizing families with more than two children remained in place in seven states, but some authorities did not enforce them. There were reports these policies created pressure on women with more than two children to use contraception, including permanent methods such as sterilization, or even termination of subsequent pregnancies. Certain states maintained government reservations for government jobs and subsidies for adults with no more than two children and reduced subsidies and access to health care for those who have more

than two.

To counter sex selection, almost all states introduced "girl child promotion" plans to promote the education and well-being of girls, some of which required a certificate of sterilization for the parents to collect benefits.

Discrimination: The law prohibits discrimination in the workplace and requires equal pay for equal work, but employers reportedly often paid women less than men for the same job, discriminated against women in employment and credit applications, and promoted women less frequently than men.

Many tribal land systems, including in Bihar, deny tribal women the right to own land. Other laws or customs relating to the ownership of assets and land accord women little control over land use, retention, or sale.

Gender-biased Sex Selection: The law bans sex determination tests and sex-based abortions; however, NGOs claimed the practice of abortion on the basis of sex was widely practiced across the country despite government efforts to enforce the legislation.

In February, Minister of Women and Child Development Smriti Irani told the lower house of parliament the sex ratio at birth was showing "improving trends" and increased from 918 to 931 per 1,000 live births at the national level between 2014 and 2019. Additionally, 395 of 640 districts, according to the 2011 census, showed improvements in the sex ratio during the same period.

According to media reports, the taboo and fear of giving birth to a girl child drove some women toward sex-selective abortion or attempts to sell the baby. Dowry, while illegal, carried a steep cost, sometimes bankrupting families. Women and girl children were ostracized in some tribal communities.

Children

Birth Registration: The law establishes state government procedures for birth registration. UNICEF estimated authorities registered 58 percent of national births each year. Children lacking citizenship or registration may not be able to access

public services, enroll in school, or obtain identification documents later in life.

Education: The constitution provides free education for all children from ages six to 14, with a compulsory education age through age 15, but the government did not always comply with this requirement. The World Economic Forum's *2018 Gender Gap Report* revealed that enrollment rates for both male and female students dropped by nearly 30 percent between primary and secondary school. Additionally, the report found that, while girls had a slight lead in primary and secondary education enrollment rates, boys had greater educational attainment at all levels.

Data from NGO Pratham's *2019 Annual Status of Education Report (Rural)* noted in January that when there was a paucity of resources and parents had to choose which child to invest in, they chose to provide "better quality" education to sons in the family.

According to UNICEF, more than 60 percent of secondary-school-age children with disabilities did not attend school. Additionally, since the minimum age for work is lower than the compulsory education age, children may be encouraged to leave school before the completion of compulsory education.

Child Abuse: The law prohibits child abuse, but it does not recognize physical abuse by caregivers, neglect, or psychological abuse as punishable offenses. Although banned, teachers often used corporal punishment.

The India Child Protection Fund reported increased incidences of cyber or sexual abuse involving children (such as increased consumption of child pornography). With children spending more time indoors and online, often without supervision, especially during the COVID-19 pandemic, the report expressed concern that children were more vulnerable to online sexual predators.

On June 28, Kerala police arrested 47 persons across the state as a result of a large-scale investigation into online child sexual exploitation. According to a senior police official, there was a 120 percent increase in child sexual exploitation cases during the national lockdown in Kerala.

In July child rights advocates released *Rights of Children in the Time of COVID-*

19, which contained sector-specific recommendations for state action to protect the rights of children during the pandemic. The release of the report was attended by two recently retired justices of the Supreme Court and various government officers and child rights experts and endorsed by 212 individuals and organizations.

The government sponsored a toll-free 24-hour helpline for children in distress. From January through July, the national CHILDLINE hotline for children in distress received more than 39,490 calls from the southern states of Karnataka, Kerala, and Tamil Nadu. The CHILDLINE officials noted calls concerned shelter, medical aid, child marriage, and the abuse of children.

On February 25, the Madras High Court reversed a prior lower court judgment that exonerated two teachers from allegations of sexual harassment. The court sentenced G. Nagaraj and G. Gugazhenthi to prison for three and five years, respectively, for sexually harassing several female adolescent students.

Child, Early, and Forced Marriage: The law sets the legal age of marriage for women at 18 and men at 21, and it empowers courts to annul early and forced marriages. The law does not characterize a marriage between a girl younger than 18 and a boy younger than 21 as illegal, but it recognizes such unions as voidable. The law also sets penalties for persons who perform, arrange, or participate in child marriages. Authorities did not consistently enforce the law nor address girls who were raped being forced into marriage.

In June the government constituted a task force to review the increase of the minimum permissible age for marriage of girls from 18 to 21 years. Prime Minister Modi made a special announcement of the government's review, and there was significant advocacy against the proposal by women and child rights advocates who believed the change would limit young adults' autonomy. Additionally, critics believed the proposal did not address the core issues regarding child marriage, such as extreme poverty and lack of education.

The law establishes a full-time child-marriage prohibition officer in every state to prevent child marriage. These individuals have the power to intervene when a child marriage is taking place, document violations of the law, file charges against parents, remove children from dangerous situations, and deliver them to local

child-protection authorities.

Although the UN Population Fund (UNFPA) *State of World Population 2020* report showed a decline in child marriages over the past decade, UN demographers feared the COVID-19 pandemic would have adverse effects on this progress. According to media reports, West Bengal saw more than 500 cases of child marriage between March and June during the COVID-19 national lockdown. Officials reported that in most cases underage girls were forced to marry because of their family's loss of earnings and financial distress caused by the lockdown.

Senior officials from Karnataka's State Commission for Protection of Child Rights reported more than 100 child marriages were conducted in the state during the national lockdown. According to a commission senior official, there were more than 550 complaints of child marriages.

Media and children's' rights activists believed child marriages increased in Maharashtra during the pandemic. Santosh Shinde, a former member of Maharashtra's State Commission for Protection of Child Rights, told media more than 200 cases of child marriage were reported between March and June. Shinde said that 90 percent of these marriages were averted with the help of local authorities and vigilant local citizens. Other activists echoed the increased economic vulnerability of children due to the pandemic and the push for families to marry off their preteen daughters largely for economic benefits.

Sexual Exploitation of Children: The law prohibits child pornography and sets the legal age of consent at 18. It is illegal to pay for sex with a minor, to induce a minor into prostitution or any form of "illicit sexual intercourse," or to sell or buy a minor for the purposes of prostitution. Violators are subject to 10 years' imprisonment and a fine.

The law provides for at least one special court dedicated to sexual offenses against children (POCSO courts) to be set up in each district, although implementation of this provision lagged. In a December 2019 judgment, the Supreme Court gave a 60-day deadline to set up such courts in all districts with more than 100 pending cases of child sexual abuse.

Civil society welcomed these improvements in prosecution of sexual crimes

against children; however, critics raised concern regarding the law for the potential to criminalize adolescents engaging in consensual sexual behavior. NCRB data showed that the number of 16- to 18-year-old "victims" under the POCSO Act was higher than the number of child victims from all the other age groups. The result of this trend was that a number of adolescent boys entered the juvenile justice system charged with rape.

On March 13, the Ministry of Women and Child Development published new rules to protect children from sexual offenses. The rules provide for speedier compensation, increasing public awareness about CHILDLINE services, and providing legal aid assistance. In addition the rules provide a directive to state governments to enact a child protection policy to ensure the prohibition of violence against children. A new provision that directs immediate financial help to victims of child sexual abuse by the Child Welfare Committees was also introduced. NGOs noted the procedure was not being implemented in a regular fashion by the committees.

In June the Delhi High Court held it is mandatory to issue notice to a complainant to ensure their presence in every bail application filed by the accused in their case. This ensures the complainant is informed of the proceedings and gets an opportunity to argue against bail. Other high courts were following suit. For instance, in July the Orissa High Court issued similar directions to the POCSO courts operating under its jurisdiction.

In June the Delhi High Court held that under the POCSO Act, 2012, and the POCSO Rules, 2020, there is no bar on a victim applying for monetary compensation more than once if their circumstances required. This was significant, since legal cases typically last for years, and a victim's needs may grow as time passes.

The West Bengal High Court criticized the state police for not completing investigations on time in POCSO cases, a practice that led to automatic bail for the accused persons. The court directed that despite the COVID-19 pandemic, investigations must be completed on time so that the accused persons do not benefit from a delay on the part of police. A similar problem was noted in other

states as well, for instance in Bihar and Delhi.

The Kerala High Court observed police officials investigating POCSO cases lacked training and related sensitivity required to handle matters pertaining to cases of child sex abuse. Collection of evidence often did not consider the trauma that the victim suffered, further deteriorating the quality of the investigation process.

Media report instances of authorities not registering cases of child sexual abuse when they are first reported. In August a POCSO court in Kerala issued a notice to police for not registering a case against doctors who knew of a child sexual abuse case but did not report it to police.

There was a continued focus on providing speedy justice to victims of sexual abuse. A 2016 study by the NGO Counsel to Secure Justice highlighted a large number of child sexual abuse cases were pending trial or delayed in trial.

Displaced Children: Displaced children, including refugees, IDPs, and street children, faced restrictions on access to government services (see also section 2.d.).

Institutionalized Children: Lax law enforcement and a lack of safeguards encouraged an atmosphere of impunity in several group homes and orphanages.

In 2018 the National Commission for the Protection of Child Rights estimated 1,300 of the country's approximately 9,000 shelters for vulnerable individuals were not registered with the government and operated with little or no oversight. In several cases government-funded shelter homes continued to operate despite significant gaps in mandatory reporting and allegations of abuse, at times due to alleged political connections. Police documented at least 156 residents, including sex trafficking victims, missing from six shelters as of March; at least one shelter owner had reportedly sold some of the women and girls for prostitution.

In April the Supreme Court directed state governments to improve the handling of the COVID-19 crisis among institutionalized children. The states were asked to file detailed reports, and various guidelines were issued to different child-care institutions on how to deal with the pandemic-induced crisis.

On June 24, the All India Democratic Women's Association submitted a

memorandum to the NHRC regarding the COVID-19 outbreak in the government-run shelter home for girls in Kanpur, Uttar Pradesh. Fifty-seven minor girls tested positive for the virus, five of whom were also found to be pregnant. The women's association asserted poor handling of the first cases of COVID-19 in the shelter home, extreme overcrowding, and poor sanitary conditions exacerbated the spread of the virus and pointed to the neglect of the state government. The association, NHRC, and state commission for women demanded proper treatment for the girls and detailed reports regarding the case.

In January the Supreme Court revised the Juvenile Justice (Care and Protection of Children) Act, 2015 to prevent fewer children being tried as adults. The Supreme Court ruled that children can be tried as an adult only for "heinous" crimes that have a minimum punishment of seven years. In view of this judgment, the Juvenile Justice Board may conduct a preliminary assessment into a child's mental and physical capacity to decide whether the child should be tried as an adult.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html.

Anti-Semitism

Jewish groups from the 4,650-member Jewish community cited no reports of anti-Semitic acts during the year.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/trafficking-in-persons-report.

Persons with Disabilities

The constitution does not explicitly mention disability. The law provides equal rights for persons with a variety of disabilities, and a 2016 law increased the number of recognized disabilities, including persons with Parkinson's disease and

victims of acid attacks. The law set a two-year deadline for the government to provide persons with disabilities with unrestricted free access to physical infrastructure and public transportation systems.

The law also reserves 3 percent of all educational places and 4 percent of government jobs for persons with disabilities. The government allocated funds to programs and NGOs to increase the number of jobs filled. In 2017 a government panel decided that private news networks must accompany public broadcasts with sign language interpretations and closed captions to accommodate persons with disabilities.

Despite these efforts, problems remained. Private-sector employment of persons with disabilities remained low, despite governmental incentives. Discrimination against persons with disabilities in employment, education, and access to health care was more pervasive in rural areas, and 45 percent of the country's population of persons with disabilities were illiterate. There was limited accessibility to public buildings.

The Ministry of Health and Family Welfare estimated 25 percent of individuals with mental disabilities were homeless. Mainstream schools remained inadequately equipped with teachers trained in inclusive education, resource material, and appropriate curricula. Patients in some mental-health institutions faced food shortages, inadequate sanitary conditions, and lack of adequate medical care. HRW reported women and girls with disabilities occasionally were forced into mental hospitals against their will.

Members of National/Racial/Ethnic Minority Groups

The constitution prohibits caste discrimination. The registration of castes and tribes continued for the purpose of affirmative action programs, as the federal and state governments continued to implement programs for members of lower-caste groups to provide better-quality housing, quotas in schools, government jobs, and access to subsidized foods. The UN's *2020 Multidimensional Poverty Index* noted approximately 273 million individuals moved out of multidimensional poverty during the past 10 years. Previous reports showed Muslims, members of the Scheduled Tribes, and Dalits experienced the greatest reduction in poverty.

Discrimination based on caste, however, remained prevalent, particularly in rural areas. Critics claimed many of the programs to assist the lower castes suffered from poor implementation, corruption, or both.

The term *Dalit*, derived from Sanskrit for "oppressed" or "crushed," refers to members of what society regarded as the lowest of the Scheduled Castes. According to the 2011 census, Scheduled Caste members constituted 17 percent of the population (approximately 200 million persons).

Although the law protects Dalits, there were numerous reports of violence and significant discrimination in access to services, such as health care, education, access to justice, freedom of movement, access to institutions (such as temples), and marriage. Many Dalits were malnourished. Most bonded laborers were Dalits, and those who asserted their rights were often victims of attacks, especially in rural areas. As agricultural laborers for higher-caste landowners, Dalits reportedly often worked without monetary remuneration. Reports from the UN Committee on the Elimination of Racial Discrimination described systematic abuse of Dalits, including extrajudicial killings and sexual violence against Dalit women. Crimes committed against Dalits reportedly often went unpunished, either because authorities failed to prosecute perpetrators or because victims did not report crimes due to fear of retaliation.

Several incidents of discrimination, atrocities, and insults against Dalits were reported in Andhra Pradesh during the year. On July 31, Kula Vivaksha Porata Samithi, an anticaste discrimination organization, alleged 150 such incidents occurred in the state during the previous four months.

On July 20, police in Andhra Pradesh summoned I. Vara Prasad, a 23-year-old Dalit, to the police station in connection with a dispute in his village and allegedly beat him and shaved his head and moustache, which are considered symbolic acts to insult Dalits. A subinspector and two constables were suspended and arrested under various sections of the penal code and Schedules Castes and Scheduled Tribes Atrocities (Prevention) Act.

On July 21, Yericharla Kiran, an 18-year-old Dalit, died in police custody in Prakasam District in Andhra Pradesh after police allegedly detained him three days

earlier on the charge of not wearing a face mask during COVID-19 restrictions and for being drunk while driving a motorbike. The district police chief claimed Kiran died because of a head injury he sustained when he jumped out of a moving police vehicle. Kiran's family alleged he died because of the injuries inflicted in police custody. Andhra Pradesh's Chief Minister Y. S. Jagan Mohan Reddy announced one million rupees ($13,600) in compensation to the family. Police station subinspector K. Vijay Kumar was suspended on July 28 and arrested on August 1 under the charge of causing death by negligence.

NGOs reported Dalit students were sometimes denied admission to certain schools because of their caste, required to present caste certification prior to admission, barred from morning prayers, asked to sit in the back of the class, or forced to clean school toilets while being denied access to the same facilities. There were also reports teachers refused to correct the homework of Dalit children, refused to provide midday meals to Dalit children, and asked Dalit children to sit separately from children of upper-caste families.

Manual scavenging--the removal of animal or human waste by Dalits--continued despite its legal prohibition. HRW reported that children of manual scavengers faced discrimination, humiliation, and segregation at village schools. Their occupation often exposed manual scavengers to infections that affected their skin, eyes, and respiratory and gastrointestinal systems. Health practitioners suggested children exposed to such bacteria were often unable to maintain a healthy body weight and suffered from stunted growth.

Indigenous People

The constitution provides for the social, economic, and political rights of disadvantaged groups of indigenous persons. The law provides special status for indigenous individuals, but authorities often denied them their rights in practice.

In most of the northeastern states, where indigenous groups constituted the majority of the states' populations, the law provides for tribal rights, although some local authorities disregarded these provisions. The law prohibits any nontribal person, including citizens from other states, from crossing a government-established inner boundary without a valid permit. No one may remove rubber,

wax, ivory, or other forest products from protected areas without authorization. Tribal authorities must also approve the sale of land to nontribal persons.

In August the Chhattisgarh state government announced it would provide approximately $5,400 to the families of 32 tribe members who were killed by Maoist (Naxal) insurgents at a government relief camp in 2006. At that time local tribe members were forced into relief camps due to the conflict between the state-supported anti-Naxal vigilante group Salwa Judum and Maoists. The previous state government had granted assistance of approximately $1,300 to each victim's family.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

NGO activists reported heightened discrimination and violence against the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community in the eastern area of the country during the COVID-19 lockdown.

LGBTI persons faced physical attacks, rape, and blackmail. LGBTI groups reported they faced widespread societal discrimination and violence, particularly in rural areas. Activists reported that transgender persons continued to face difficulty obtaining medical treatment. Some police committed crimes against LGBTI persons and used the threat of arrest to coerce victims not to report the incidents. With the aid of NGOs, several states offered education and sensitivity training to police.

In December 2019 parliament passed the Transgender Persons (Protection of Rights) Act, which prohibits discrimination towards transgender persons in education, health care, employment, accommodation, and other matters related to public facilities and services. According to media reports, activists viewed parts of the act as violating the right to choose gender and erecting barriers for transgender individuals to be recognized. The provisions include a requirement of transgender persons to register with the government and provide proof of having undergone gender confirmation surgery to be recognized under the act.

On May 12, five transgender individuals brought a public-interest litigation case to

the Kerala High Court in protest of the living conditions of transgender communities in the state during the national lockdown. On June 8, the Kerala High Court directed the state government to provide free medicine and access to medical treatment, as well as identity and ration cards, to members of the transgender community.

On July 2, media reported the minister of state for social justice and empowerment noted the government has a responsibility to formulate programs to support the livelihood of transgender persons according to clauses in the Transgender Persons (Protection of Rights) Act.

On August 24, the Orissa High Court ruled that same-sex partners have a right to live together, and by law the female partner has a right to seek protection in the case of separation. The court ruled this in a case of two women, one of whom exercised her right to "self-gender determination" under a 2014 Supreme Court verdict and preferred to be addressed as a male. The male partner filed a habeas corpus petition seeking restoration of his female partner, who had been confined by her family at home.

HIV and AIDS Social Stigma

The number of new HIV cases decreased by 57 percent over the past decade. According to official government records, there were 191,493 newly diagnosed cases in 2017. The epidemic persisted among the most vulnerable and high-risk populations that include female sex workers, men who have sex with men, transgender persons, and persons who inject drugs. UNAIDS 2018 data indicated that new HIV infections were declining among sex workers and men who have sex with men, although stigma related to key populations continued to limit their access to HIV testing and treatment. The data showed 79 percent of individuals were aware of their HIV status and 71 percent with HIV were on HIV treatment.

From April 2017 to March 2018, Telangana registered a 19 percent decline in new cases of HIV, compared with April 2016 to March 2017. According to a Telangana government official, HIV prevalence in Tamil Nadu, Telangana, and Andhra Pradesh was almost four times the national average.

According to the *HIV Estimations 2017* report released by the National AIDS

Control Organization, the eight states of Maharashtra, Andhra Pradesh, Karnataka, Telangana, Uttar Pradesh, Gujarat, Bihar, and West Bengal contributed almost two-thirds of annual HIV infections in the country.

The National AIDS Control Program prioritized HIV prevention, care, and treatment interventions for high-risk groups and advocated for the rights of persons with HIV. The National AIDS Control Organization worked actively with NGOs to train women's HIV/AIDS self-help groups. Police engaged in programs to strengthen their role in protecting communities vulnerable to human rights violations and HIV.

In September 2018 the Ministry of Health announced the creation of rules to implement the 2017 HIV and AIDS (Prevention and Control) Bill in response to a public interest litigation filed with the Delhi High Court. The bill was designed to prevent discrimination in health care, employment, education, housing, economic participation, and political representation for those with HIV and AIDS.

Other Societal Violence or Discrimination

Societal violence based on religion and caste and by religiously associated groups continued to be a serious concern. Muslims and lower-caste Dalit groups continued to be the most vulnerable. Ministry of Home Affairs data for 2016-17 showed 703 incidents of communal (religious) violence occurred in which 86 persons were killed and 2,321 injured. According to the NHRC, there were 672 cases of discrimination and victimization against Scheduled Castes and 79 cases against minorities in 2018-19.

In April media reported state-run public Ahmedabad Civil Hospital set up segregated wards for Muslim and Hindu patients "as per [the] government decision" in a treatment facility for COVID-19 patients. Following media uproar and widespread criticism, the segregation of patients on the basis of faith was revoked, according to Muslim community sources.

In May the Rajasthan High Court granted bail to two of the four men accused in the 2018 attempted lynching of cattle trader Rakbar Khan, who later died in custody. Villagers reportedly assaulted Khan on suspicion of cow smuggling before authorities detained him. Police took four hours to transport Khan to a local

hospital 2.5 miles away, reportedly stopping for tea along the way, according to media sources. Doctors declared Khan dead upon arrival.

On June 17, the Telangana High Court held the state police to account for arresting a "disproportionately high number of Muslims" for violating COVID-19 lockdown restrictions. The court noted police often used excessive force when enforcing the lockdown rules. For example, the court cited the case of a Muslim volunteer, arrested while distributing food to migrants, who required 35 stiches on his face due to police brutality. The court asked the state principal secretary for home and the director general of police to submit documentary evidence in support of their claim that action had been taken against police officials who used excessive force.

On July 14, the Untouchability Eradication Front of the Communist Party of India (Marxist) issued a report that identified 81 violent crimes against Dalits throughout Tamil Nadu, including rape and murder, during the national lockdown.

In November the Uttar Pradesh state government passed the Prohibition of Unlawful Conversion of Religious Ordinance, 2020, making forced religious conversion by marriage a criminal offense punishable by up to 10 years in prison and requiring individuals converting to another religion to notify authorities no later than 60 days prior. Opposition leaders, media, and civil society groups criticized the law as violating constitutional protections on freedom of religion and reinforcing derogatory stereotypes of Muslim men using marriage to coerce Hindu women into religious conversions, often referred to as "love jihad." Media reports indicated the Uttar Pradesh state government filed several criminal cases against Muslim men after the passage of the law. In December the Madhya Pradesh state government passed similar legislation regulating interfaith couples and religious conversion.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right to form and join unions and to bargain collectively, although there is no legal obligation for employers to recognize a union or engage in collective bargaining. In the state of Sikkim, trade union registration was

subject to prior permission from the state government. The law limits the organizing rights of federal and state government employees.

The law provides for the right to strike but places restrictions on this right for some workers. For instance, in export-processing zones (EPZs), a 45-day notice is required because of the EPZs' designation as a "public utility." The law also allows the government to ban strikes in government-owned enterprises and requires arbitration in specified "essential industries." Definitions of essential industries vary from state to state. The law prohibits antiunion discrimination and retribution for involvement in legal strikes and provides for reinstatement of employees fired for union activity. In January approximately 25 million workers across the country went on a day-long strike to protest against the economic policies of the federal government.

Enforcement of the law varied from state to state and from sector to sector. Enforcement was generally better in the larger, organized-sector industries. Authorities generally prosecuted and punished individuals responsible for intimidation or suppression of legitimate trade union activities in the industrial sector. Civil judicial procedures addressed abuses because the Trade Union Act does not specify penalties for such abuses. Penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. Specialized labor courts adjudicate labor disputes, but there were long delays and a backlog of unresolved cases.

Employers generally respected freedom of association and the right to organize and bargain collectively in the formal industrial sector but not in the larger, informal economy. Most union members worked in the formal sector, and trade unions represented a small number of agricultural and informal-sector workers. Membership-based organizations, such as the Self-Employed Women's Association, successfully organized informal-sector workers and helped them to gain higher payment for their work or products.

An estimated 80 percent of unionized workers were affiliated with one of the five major trade union federations. Unions were independent of the government, but

four of the five major federations were associated with major political parties.

State and local authorities sometimes impeded registration of unions, repressed independent union activity, and used their power to declare strikes illegal and force adjudication. Labor groups reported that some employers continued to refuse to recognize established unions, and some instead established "workers' committees" and employer-controlled unions to prevent independent unions from organizing. EPZs often employed workers on temporary contracts. Additionally, employee-only restrictions on entry to the EPZs limited union organizers' access.

In September parliament passed a series of labor laws that exempt tens of thousands of small firms from labor protections. The new laws link social benefits to the size of companies and raise the threshold from 100 to 300 workers for firms that must comply with new limitations on firings and business closures. The new threshold rescinds the rights to strike or receive benefits for workers at smaller firms. The reforms replaced 44 labor laws with four labor codes that labor experts predicted would further expand the informal-sector workforce, which had more than 400 million workers, where workers do not have formal contracts and benefits.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, but forced labor, including bonded labor for both adults and children (see section 7.c.), remained widespread.

Enforcement and compensation for victims is the responsibility of state and local governments and varied in effectiveness. The government generally did not effectively enforce laws related to bonded labor or labor-trafficking laws, such as the Bonded Labor System (Abolition) Act. When inspectors referred violations for prosecution, court backlogs, inadequate preparation, and a lack of prioritization of the cases by prosecuting authorities sometimes resulted in acquittals. In addition, when authorities reported violations, they sometimes reported them to civil courts to assess fines and did not refer them to police for criminal investigation of labor trafficking.

Penalties under law varied based on the type of forced labor and included fines and

prison terms; penalties were not commensurate with those for analogous serious crimes, such as kidnapping. For example, bonded labor is specifically criminalized under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, which prescribes sufficiently stringent penalties, and the Bonded Labor System (Abolition) Act, which prescribes penalties that were not sufficiently stringent.

Authorities decreased investigations, prosecutions, and case convictions of traffickers and decreased victim identification efforts. NGOs estimated at least eight million trafficking victims in the country, mostly in bonded labor, and reported that police did not file reports in at least half of these cases. Authorities penalized some adult and child victims for crimes their traffickers compelled them to commit.

The Ministry of Labor and Employment reported the federally funded, state-run Centrally Sponsored Scheme assisted 11,296 bonded laborers from June 2016 through February 2020. Some NGOs reported delays of more than one year in obtaining release certificates for rescued bonded laborers. Such certificates were required to certify that employers had held them in bondage and entitled them to compensation under the law. The NGOs also reported that in some instances they failed to obtain release certificates for bonded laborers. The distribution of initial rehabilitation funds was uneven across states. The majority of bonded labor victim compensation cases remained tied to a criminal conviction of bonded labor. Since authorities often registered bonded labor cases as civil salary violations, convictions of the traffickers and full compensation for victims remained rare.

Bonded labor continued to be a concern in many states; however, no reliable statistics were available on the number of bonded laborers in the country. Most bonded labor occurred in agriculture. Nonagricultural sectors with a high incidence of bonded labor were stone quarries, brick kilns, rice mills, construction, embroidery factories, and beedi (hand-rolled cigarettes) production. Those from the most disadvantaged social strata were the most vulnerable to forced labor and labor trafficking.

On March 12, Karnataka law enforcement officials, in cooperation with the state's human rights commission and a local NGO, rescued 50 bonded laborers from three plantations in Bengaluru. The rescued laborers were all from the Irular tribe (listed

in the Schedule Castes and Tribes); at least 15 of those rescued were children. The owners of two plantations were arrested under laws prohibiting bonded labor and trafficking of persons.

In May, 67 bonded laborers were rescued from a brick kiln in Uttar Pradesh with the assistance of the NHRC and NGO Justice Ventures International. The rescued workers included women and children and were returned to their villages in Bihar.

In June, 12 members of a vulnerable tribal group in Telangana received compensation of 150,000 rupees (more than $2,000) each under the bonded labor rehabilitation assistance of the central government. These were part of the 45 bonded laborers rescued from an irrigation project site in 2018.

The Sumangali or "Provident Funds" scheme remained common in Tamil Nadu's spinning mill industry, in which employers offer a lump sum for young women's education at the end of multiyear labor contracts, which often amounted to bonded labor.

News media and NGOs reported several instances of migrants and bonded labor abandoned at workplaces without work or financial assistance from their employers during the COVID-19 lockdown. On June 1, the Telangana High Court directed the state government to arrange for food, shelter, and transportation for an estimated 150,000 workers stranded in the 810 brick kilns across the state. The petitioner pointed out that owners were mandated under the Inter State Migrant Workmen Act to arrange for transportation of the migrant workers, but this was not done in the case of brick kiln workers.

Scheduled Caste and Scheduled Tribe members lived and worked under traditional arrangements of servitude in many areas of the country. Although the central government had long abolished forced labor servitude, these social groups remained impoverished and vulnerable to forced exploitation, especially in Arunachal Pradesh.

Also see the Department of State's *Trafficking in Persons Report* at

https://www.state.gov/trafficking-in-persons-report/.

c. Prohibition of Child Labor and Minimum Age for Employment

All of the worst forms of child labor were prohibited. The law prohibits employment of children younger than 14. The law also prohibits the employment of children between 14 and 18 in hazardous work. Children are prohibited from using flammable substances, explosives, or other hazardous material, as defined by the law. In 2017 the Ministry of Labor and Employment added 16 industries and 59 processes to the list of hazardous industries where employment of children younger than 18 is prohibited and where children younger than 14 are prohibited from helping, including family enterprises.

Despite evidence that children worked in unsafe and unhealthy environments for long periods of time in spinning mills, garment production, carpet making, and domestic work, not all children younger than 18 are prohibited from working in occupations related to these sectors. The law, however, permits employment of children in family-owned enterprises involving nonhazardous activities after school hours. Nevertheless, child labor remained common.

Law enforcement agencies took actions to combat child labor. State governments enforced labor laws and employed labor inspectors, while the Ministry of Labor and Employment provided oversight and coordination. Nonetheless, gaps existed within the operations of the state government labor inspectorate that might have hindered adequate labor law enforcement. Violations remained common. The law establishes penalties that are not commensurate with those for other analogous serious crimes, such as kidnapping, and authorities sporadically enforced them. The fines collected are deposited in a welfare fund for formerly employed children.

The International Labor Organization estimated there were 10 million child workers between ages five and 14 in the country. The majority of child labor occurred in agriculture and the informal economy, in particular in stone quarries, in the rolling of cigarettes, and in informal food service establishments. Children were also exploited in domestic service and in the sugarcane, construction, textile, cotton, and glass bangle industries in addition to begging.

Commercial sexual exploitation of children occurred (see section 6, Children).

Nonstate armed groups recruited and used children as young as 12 to organize hostility against the government in Jammu and Kashmir, including Maoist and Naxalite groups. Nonstate armed groups sometimes forced children to handle weapons and explosive devices and used them as human shields, sexual slaves, informants, and spies.

Forced child labor, including bonded labor, also remained a serious problem. Employers engaged children in forced or indentured labor as domestic servants and beggars, as well as in quarrying, brick kilns, rice mills, silk-thread production, and textile embroidery.

In May, 900 children were rescued from bangle manufacturing factories in Jaipur by a local antitrafficking unit. Of the children, 25 were working as bonded laborers and the rest were engaged in child labor, all ages 10 to 13. They were malnourished and exhausted and alleged experiences of inhuman treatment and violence. In August, 47 child workers, including 13 girls, were rescued by the Jalandhar police from a rubber footwear factory. Most of the rescued children were migrants from other states and Nepal.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods.

d. Discrimination with Respect to Employment and Occupation

Provisions in the constitution and various laws and regulations prohibit discrimination based on race, sex, gender, disability, language, sexual orientation, gender identity, or social status with respect to employment and occupation. A separate law prohibits discrimination against individuals suffering from HIV/AIDs. The law does not prohibit employment discrimination against individuals with communicable diseases or based on color, religion, political opinion, national origin, or citizenship.

The law prohibits women from working in jobs that are physically or morally harmful, specifically the Factories Act 1948, Sections 27, 66, and 87, and the Bombay Shops and Establishments Act of 1948, Section 34-A, although the latter

only applies to four states.

The government effectively enforced the law and regulations within the formal sector; however, penalties were not sufficient to defer violations. The law and regulations do not protect informal-sector workers (industries and establishments that do not fall under the purview of the Factories Act), who made up an estimated 90 percent of the workforce.

Discrimination occurred in the informal sector with respect to Dalits, indigenous persons, and persons with disabilities. Gender discrimination with respect to wages was prevalent. Foreign migrant workers were largely undocumented and typically did not enjoy the legal protections available to workers who are nationals of the country. The UN's Committee on the Elimination of Discrimination Against Women raised concerns regarding the continued presence of sexual harassment and violence against women and girls and the repercussions on school and labor participation.

e. Acceptable Conditions of Work

Federal law sets safety and health standards, but state government laws set minimum wages, hours of work, and additional state-specific safety and health standards. The daily minimum wage varied but was more than the official estimate of poverty-level income. State governments set a separate minimum wage for agricultural workers. Laws on wages, hours, and occupational health and safety do not apply to the large informal sector.

The law mandates a maximum eight-hour workday and 48-hour workweek as well as safe working conditions, which include provisions for restrooms, cafeterias, medical facilities, and ventilation. The law mandates a minimum rest period of 30 minutes after every four hours of work and premium pay for overtime, but it does not mandate paid holidays. The law prohibits compulsory overtime and limits the amount of overtime a worker may perform. Occupational safety and health standards set by the government were generally up to date and covered the main industries in the country.

State governments are responsible for enforcing minimum wages, hours of work, and safety and health standards. The number of inspectors generally was

insufficient to enforce labor law. Inspectors have the authority to make unannounced inspections and initiate sanctions. State governments often did not effectively enforce the minimum wage law for agricultural workers. Enforcement of safety and health standards was poor, especially in the informal sector, but also in some formal-sector industries. Penalties for violation of occupational safety and health standards were commensurate with those for crimes such as negligence.

To boost the economy following the COVID-19-induced lockdown, many state governments relaxed labor laws to permit overtime work beyond legislated limits. The state governments of Uttar Pradesh and Gujarat passed executive orders to suspend enforcement of most labor laws for a period of up to three years to promote industrial production.

Violations of wage, overtime, and occupational safety and health standards were common in the informal sector. Small, low-technology factories frequently exposed workers to hazardous working conditions. Undocumented foreign workers did not receive basic occupational health and safety protections. In many instances workers could not remove themselves from situations that endangered health or safety without jeopardizing their employment.

Several states amended labor laws during the COVID-19 pandemic to allow industries to overcome the losses suffered during the lockdown while also claiming to protect the interests of workers. On May 29, the Odisha cabinet amended the Factories Act, 1948, and Industrial Disputes Act, allowing companies with a worker strength of up to 300 to terminate employment or close the units without prior approval from the government. The earlier limit was 100 workers. The government also allowed women to work during night shift hours of 7 p.m. to 6 a.m., with prior consent from the worker.

According to Geneva-based IndustriALL Global Union, more than 30 industrial accidents occurred in chemical plants, coal mines, steel factories, and boilers in power stations during May and June, claiming at least 75 lives. The organization stated “widespread use of contract workers, lack of safety inspections, inadequate penal action against safety violations and not fixing responsibility on the employer

are some important factors contributing to the accidents."

On May 7, a styrene gas leak from an LG Polymer chemical plant in Visakhapatnam, Andhra Pradesh, killed 11 persons and sickened more than 1,000. Preliminary investigations revealed the leak occurred due to a faulty gas valve. On July 7, state police arrested 12 individuals, including the company's chief executive officer, after a probe determined poor safety protocols and a breakdown of emergency response procedures as reasons for the leak.

On July 2, four individuals died of asphyxiation in Thoothukudi District, Tamil Nadu, after entering a septic tank to remove clogged sewage. The homeowner who directed them to clean the tank was charged with negligence. A government survey in 2019 identified 206 deaths from cleaning sewers and septic tanks between 1993 and July 2019 in Tamil Nadu.

On August 1, a total of 11 workers died when a crane collapsed on them at a worksite in the government-owned Hindustan Shipyard in Visakhapatnam.

On August 21, nine workers, including seven employees of the state-owned power generation company, died in a fire accident in the Srisailam hydropower station in Telangana. A government committee assessed an electric short circuit caused the fire. Civil society activists alleged the accident was "a result of inadequate provisions in the design of the hydropower station building," claiming "there is no evidence that the hydropower station was built to international standards."